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City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

SPECIAL MEETING

THURSDAY, JANUARY 6, 2000

5:00 P.M.
CITY HALL, ROOM 408
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

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Stephen Herman
Antonio Salazar-Hobson
Agar Jaicks
Martha Knutzen
Leslie Littleton
Harry Low
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Julia Globus-Sabori
Alan Watahara

EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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San Francisco
California 94102-6033
Website: http://www.ci.sf.ca.us/sfhumanrights

TEL (415) 252-2500
FAX (415) 431-5764
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

3. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B):

   PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
   EXECUTIVE DIRECTOR, MARIVIC BAMBA
   (DISCUSSION AND POSSIBLE ACTION ITEM)

4. RECONVENE IN OPEN SESSION:

   VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12 (A).) (ACTION ITEM)

5. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT MATTER JURISDICTION OF THE HUMAN RIGHTS COMMISSION.

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6. ADJOURNMENT

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NEXT MEETING: THURSDAY, JANUARY 13, 2000

A:\agenda 1/6/00

LEGEND:	(*)	=	Oral Report No Attachment
	(**)	=	Attachment Provided
	(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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MINUTES OF THE COMMISSION SPECIAL MEETING OF JANUARY 6, 2000

Commission Chair Harry Low called the meeting to order at 5:35 p.m.

ROLL CALL

Commissioners

Present: Youn Chey; Shirley Dimapilis; Stephen Herman; Agar Jaicks; Martha Knutzen; Harry Low; Antonio Salazar-Hobson; Ghada Saliba-Malouf; Julia Globus-Sabori and Alan Watahara

Excused: Leslie Littleton

HRC Staff

Present: Carla Vaughn

Guests:

Present: Susan Frankel, Deputy City Attorney

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION
There was no public comment.

VOTE ON WHETHER TO HOLD CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B): PUBLIC EMPLOYEE PERFORMANCE EVALUATION: (DISCUSSION AND POSSIBLE ACTION ITEM)
It was moved and seconded to hold closed session for public employee evaluation.
(Moved) Herman (Seconded) Knutzen

RECONVENE IN OPEN SESSION

At 7:05 P.M. it was moved and seconded not to disclose any discussions held in closed session. (Moved) Salazar- Hobson (Seconded) Dimapilis

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 7:11 P.M.

Respectfully submitted,
Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

THURSDAY, JANUARY 13, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

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AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Special Commission Meeting of January 6, 2000

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENTS

   Jakkee Bryson – Issues related to deaths of homeless women

5. REPORT OF THE CHAIR

   a) Individual Commissioners Report on their Activities in the Community

      1. Commissioner Herman will introduce for approval a letter to the Governor of Vermont urging implementation of the State Supreme Court's decision on equality of same-sex relationships.

6. REPORT OF THE DIRECTOR

a) HRC Program Unit Activities

7. COMMITTEE REPORTS

a) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. No Report

NOTE:
The next meeting of the Youth and Education Committee will Be held on Thursday, January 20, 2000 at 4:00 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

b) Employment Committee
Commissioner Ghada Saliba-Malouf, Chair
Commissioner Agar Jaicks, Co Chair
Pansy Waller, Committee Staff

1. No Report.

NOTE:
The next meeting of the Employment Committee will Be held on Thursday, February 3, 2000 at 12:00 noon at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

c) MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Report from Commissioner Littleton

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will Be held on Wednesday, January 19, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

d) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. No Report.

NOTE: *The next meeting of the*
Lesbian Gay Bisexual Transgender Advisory Committee will
Be held on Tuesday, January 18, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

e) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Don Hesse, Committee Staff

1. Report of the Committee Meeting of January 3, 2000
2. Approval of letter supporting Chris Camert, Filipino American athlete

NOTE:
The next meeting of the Issues Committee will
Be held on July 5, 1999 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

9. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

10. VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SF ADMIN CODE SECTION 67.10(D). (ACTION ITEM)

11. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SESSION 54956.9 AND SF ADMIN CODE SECTION 67.10(D).

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(ACTION ITEM)

CCSF v SCOTT CO, et.al, - SUPERIOR COURT OF CALIFORNIA (SAN FRANCISCO); case number 306623; filed 9/21/99.

12. RECONVENE IN OPEN SESSION:

1. Possible report on action taken in closed session (Govt. Code section 54957.1(a) (2) and SF Admin Code section 67.12(b)(2).)(ACTION ITEM)
2. Vote to elect whether to disclose any or all discussions held in closed session (SF Admin Code section 67.12 (a).)(ACTION ITEM)

13. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION

14. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

15. UNFINISHED BUSINESS

16. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, JANUARY 27, 2000

A:\agenda 01/13/00

LEGEND: (*) = Oral Report No Attachment
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MINUTES OF THE COMMISSION MEETING OF JANUARY 13, 2000

Commission Vice-Chair Ghada Saliba-Malouf called the meeting to order at 4:30 p.m. and welcomed everyone in attendance.

ROLL CALL

Commissioners
Present:Harry Low, Chair; Ghada Saliba-Malouf, Vice-Chair; Youn-Cha Chey; Shirley Dimapilis; Stephen Agar Jaicks; Martha Knutzen; Antonio Salazar-Hobson; and Alan Watahara

Excused:Julia Globus-Sabori and Leslie Littleton

HRC Staff
Present:Marivic Bamba, Executive Director; Larry Brinkin; Emil DeGuzman; and Carla Vaughn

Guests
Present:Susan Frankel, Deputy City Attorney; Joanne Hoeper, Deputy City Attorney; Jakkee Bryson; Harry Jamerson; Todd Lewis; and James Brady

APPROVAL OF MINUTES
The minutes of the January 6, 2000 Commission meeting were approved with amendments.

GENERAL COMMUNICATIONS
The General Communication file was circulated.

PUBLIC COMMENTS
JAKKEE BRYSON – ISSUES RELATED TO DEATHS OF HOMELESS WOMEN
Ms. Bryson, an advocate for homeless women, reported
statistics related to the deaths of homeless women in San Francisco. Ms. Bryson commended Supervisor Gavin Newsom for his efforts regarding this issue.

Vice-Chair Ghada Saliba-Malouf asked if staff had provided a follow up regarding this issue. Emil DeGuzman, HRC staff person responded by providing an update on the available shelters for homeless women. Mr. DeGuzman reported that Supervisor Newsom's office was working closely with Ms. Bryson, and legislation was being proposed before the Board of Supervisors regarding the issue. Mr. DeGuzman noted that the Supervisor's office commended Ms. Bryson for her advocacy and advised that they were working with The Episcopal Sanctuary on Ms. Bryson's case.

HARRY JAMERSON
Harry Jamerson of Jamerson Construction had questions regarding the graduation process for contractors.

Commissioner Jaicks questioned whether this was an issue for the Employment Committee or the Advisory Committee.

Commissioner Herman had questions regarding what is done by staff to insure that companies are not put on a disadvantaged list if they are not disadvantaged or are not local. Commissioner Herman also questioned the ability of staff to monitor companies that might have reached their threshold.

Director Bamba advised that Mr. Jamerson is a member of the MBE/WBE/LBE Advisory Committee. The Director noted that the Advisory Committee was trying to identify companies that had reached the threshold. The Director advised that the process entitled "Third-Party Challenge" is used to determine if a business is still bona fide. Ms. Bamba invited Mr. Jamerson to schedule a meeting with Romulus Asenloo, HRC certification staff person, to determine if companies are no longer disadvantaged.

Commissioner Watahara committed to provide a follow-up regarding the issues raised.

Commissioner Jaicks questioned the ability of the diversity tracking system to report the status of certified companies.

TODD LEWIS
Todd Lewis, a member of the MBE/WBE/LBE Advisory Committee reported on the financial hardship that his firm was experiencing due to being targeted for an audit by the Airport.

Commissioner Knutzen advised that any information forthcoming from the audit would remain confidential. Commission Vice-Chair Ghada Saliba-Malouf advised that clarification would be provided.

JAMES BRADY
James Brady, small business owner and member of the MBE/WBE/LBE Advisory Committee commended Kevin Williams, HRC staff person, for helping to insure his participation in securing contracts at the Airport.

REPORT OF THE CHAIR
Deferred until the arrival of Chair Low.

REPORT OF THE DIRECTOR

BUDGET
Director Bamba requested that the Chair appoint a budget committee to work with the staff budget committee.

COMMITTEE REPORTS

ISSUES COMMITTEE
Commissioner Salazar-Hobson reported on the ramifications of the Ellis Act and alerted the Commission formally that this would be a high priority issue.

Commissioner Jaicks noted the tragedy of the Ellis Act and questioned what the solution would be.

Emil DeGuzman, HRC staff person reported that various aides of the Supervisors had been invited to the upcoming Issues Committee meeting.

Commissioner Dimapilis introduced a letter supporting Chris Camat, a Filipino American athlete. (Moved) Herman (Seconded) Dimapilis (Passed Unanimous)

Director Bamba noted that Mr. DeGuzman and Commissioner Dimapilis had worked closely with the Immigrant Rights Commission to submit the letter.

Commissioner Herman introduced a letter to the Governor of Vermont urging implementation of the State Supreme Court's decision on equality of same-sex relationships. Larry Brinkin, HRC staff person, and Commissioner Knutzen offered further insight into the issue. Director Bamba and Commissioner Herman commended Mr. Brinkin, HRC staff person for his work on the letter. (Moved) Herman (Seconded) Knutzen (Passed Unanimous).

Susan Frankel, Deputy City Attorney advised that under the new Sunshine Initiative the Commission would have to be more specific with regard to the Agenda.

REPORT OF THE CHAIR

DISCUSSION OF THE AGENDA
Several Commissioners had questions regarding items that did not appear on the agenda. The Commissioners and the Executive Director agreed that the Agenda will include all items requested by the Commissioners. During

this discussion Chair Low arrived.

INDIVIDUAL COMMISSIONERS' REPORT ON THEIR ACTIVITIES IN THE COMMUNITY
Commissioner Herman reported that he was recently elected to the Jewish Community Relations Council. Commissioner Herman had questions regarding whether or not the Commission could take a stand on the Knight Initiative.

Susan Frankel, Deputy City Attorney, advised that it could not.

Commissioner Herman moved to place a statement of support for same-sex marriages on the next Agenda. (Seconded) Dimapilis (Passed Unanimous)

Commissioner Chey moved to include a statement on Juvenile Rights Issues on the next Agenda. (Seconded) Herman (Passed Unanimous)

Vice-Chair Ghada Saliba-Malouf announced a tenminute break.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION
There was no public comment.

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SF ADMIN CODE SECTION 67.10(D). (ACTION ITEM)

It was moved, seconded, and passed to hold closed session to confer with legal counsel.
(Moved) Knutzen (Seconded) Dimapilis (Passed Unanimous)

RECONVENE IN OPEN SESSION

The Commission reconvened in open session and voted not to disclose any discussions held in closed session. (Moved)Herman (Seconded) Dimapilis (Passed Unanimous)

Chair Low advised that the City Attorney's office would be responsible for the closed session tapes.

Chair Low appointed Commissioner Herman to Chair the Budget Committee and requested the assistance of Commissioners Salazar-Hobson and Saliba-Malouf.

ADJOURNMENT
The meeting adjourned at 6:55 P.M. in memory of Alex Pitcher, Civil Rights Activist, and former President of the San Francisco Chapter of the NAACP.

NEXT MEETING
DATE:Thursday, January 27, 2000
TIME:4:30 P.M.
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

Return to
Meetings Information

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City and County of San Francisco

Human Rights Commission

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Youth & Education

Marivic S. Bamba
Executive Director

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SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

THURSDAY, JANUARY 27, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

ROSTER OF COMMISSIONERS

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Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of January 13, 2000

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

   Jakkee Bryson – Men only emergency shelter update

5. REPORT OF THE CHAIR

   a) Individual Commissioners Report on their Activities in the Community

6. REPORT OF THE DIRECTOR

   a) Update regarding Arrow Falcon Company
   b) Budget update

7. COMMITTEE REPORTS

a) Employment Committee
Commissioner Ghada Saliba-Malouf, Chair
Commissioner Agar Jaicks, Co Chair
Pansy Waller, Committee Staff

1. No Report.

NOTE:
The next meeting of the Employment Committee will
Be held on Thursday, February 3, 2000 at 12:00 noon at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

b) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Emil DeGuzman, Committee Staff

1. No Report.

NOTE:
The next meeting of the Issues Committee will
Be held on February 7, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

c) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. Report of the Committee Meeting of January 20, 2000.*
2. Analysis of Proposition 21 and its impact on HRC mandates (Action Item)**
3. HRC brochure on facts relating to juvenile crime (Action item) ***

NOTE:
The next meeting of the Youth and Education Committee will
Be held on Thursday, February 15, 2000 at 4:00 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

d) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Report of Committee Meeting of January 19, 2000.*
2. Presentation of letter to the Commission regarding the 12D-A Quarterly Report.***

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will Be held on Wednesday, February 16, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

e) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. Report of Committee meeting of January 18, 2000.*
   a. Recruitment efforts for new members
   b. Discussion of residency requirement for members

2. Acceptance of Economic Empowerment Task Force's Initial Report (Action Item)**

3. Approval of letter to Exxon/Mobil Corporation criticizing their revocation of Domestic Partner Benefits (Action Item)***

4 Analysis of Proposition 22 and its impact on HRC mandates (Action Item)***

NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will Be held on Tuesday, February 15, 2000 at 5:30 p.m at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

8. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

9. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B):

   PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
   EXECUTIVE DIRECTOR, MARIVIC BAMBA
   (DISCUSSION AND POSSIBLE ACTION ITEM)

10. RECONVENE IN OPEN SESSION:

    VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (SF Admin Code section 67.12 (a).)(ACTION ITEM)

11. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT MATTER JURISDICTION OF THE HUMAN RIGHTS COMMISSION.

12. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416. San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, FEBRUARY 10, 2000

A:\agenda 01/27/00

LEGEND:	(*)	–	Oral Report No Attachment
	(**)	–	Attachment Provided
	(***)	–	To be distributed at Commission Meeting

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MINUTES OF THE COMMISSION MEETING OF JANUARY 27, 2000

Commission Chair Harry Low called the meeting to order at 4:30 p.m. and welcomed everyone in attendance.

ROLL CALL

Commissioners
Present:Harry Low, Chair; Ghada Saliba-Malouf, Vice-Chair; Youn-Cha Chey; Shirley Dimapilis; Julia Globus-Sabori; Stephen Herman; Agar Jaicks; Martha Knutzen; Leslie Littleton; Antonio Salazar-Hobson; and Alan Watahara

HRC Staff
Present:Marivic Bamba, Executive Director; Larry Brinkin; Diana Rathbone; Pansy Waller; and Carla Vaughn

Guests
Present:Mario Kashou, Deputy City Attorney; Jul Parsons, Special Projects Team; and Jakkee Bryson

APPROVAL OF MINUTES
The minutes of the January 13, 2000 Commission meeting were approved unanimously.

GENERAL COMMUNICATIONS
The General Communication file was circulated.

PUBLIC COMMENTS
JUL PARSONS
Jul Parsons, of the Special Projects Team, stated that she is against Proposition 21: The Juvenile Crime Initiative. Ms. Parsons urged the Commission to develop other programs that would address the needs of the juveniles.

REPORT OF THE CHAIR
Chair Low provided an update regarding the status of the Blue Ribbon Panel. Chair Low advised that the panel would be looking at the best procedures for certification, monitoring the awarding of contracts, the appeal, review and auditing processes. Chair Low noted that the management process was very important. Chair Low stated that the City has made a commitment to make the best recommendations possible.

Commissioner Littleton advised Chair Low that the MBE/WBE/LBE Advisory Committee was available to assist the Blue Ribbon Panel in their efforts.

Chair Low stated that by March the Panel would have some focused potential recommendations. Chair Low noted that there would be a web page created to display the developments.

WELLNESS CENTER LETTER
Commissioner Herman introduced a letter to Medicare in support of the Wellness Center, an important and respected HIV and Cancer medical clinic, which is facing imminent closing.

Jakkee Bryson, a homeless advocate spoke regarding the procedure. Ms. Bryson said the subject matter of the letter was beyond the Commissioners' jurisdiction.

Commissioner Dimapilis stated that supporting the Wellness Center was vital to the community. It was moved (Herman), seconded (Knutzen) and passed unanimously to approve the letter to Medicare

RESOLUTIONS FOR DR. ANITA GRIER AND MARY T. HERNANDEZ
Commissioner Herman requested that resolutions be drafted for Dr. Anita Grier, newly elected President of the City College of San Francisco Board of Trustees, and Mary T. Hernandez, newly elected President of the San Francisco School Board, congratulating them on their recent appointments. (Moved) Herman (Seconded) Chey (Passed Unanimously)

Chair Low advised that the meeting would return to Public Comment.

PUBLIC COMMENT
JAKKEE BRYSON
Jakkee Bryson, a homeless advocate and supervisorial candidate for District 6, provided an update on the Men Only winter shelters in the City and County of San Francisco. Ms. Bryson stated that she found six additional Men Only emergency winter shelters, which are not licensed through the Department of Building Inspection. Ms Bryson read a letter to the editor of the Chronicle dated January 26 from Barbara Solomon, Executive Director of Episcopal Community Services of San Francisco to support her claim. Ms. Bryson commended Inspector Ed Sweeney of the Department of Building Inspection for his diligence.

SUNSHINE ORDINANCE
Commissioner Knutzen had questions about a notice from the Ethics Commission regarding the Sunshine Ordinance. Deputy City Attorney Mario Kashou responded that the City Attorney's office would be responsible for setting up meetings on this topic.

REPORT OF THE DIRECTOR

ARROW FALCON COMPANY UPDATE
Director Bamba reported that there was concern that the vendor, used prior to the crash of a police helicopter, was not local and that perhaps HRC did not grant a waiver to the police department to use a local vendor. She said that incorrect public comments had been made linking the crash to the Equal Benefits ordinance, when in fact there is no such link. Director Bamba advised that Arrow Falcon Company, the vendor in question had been requested by the police department because they were the only company with an FAA issued certificate, which is required to work on this particular helicopter.

Chair Low advised that a letter from the Blue Ribbon committee would be forwarded to agencies such as the police department, and other City agencies that had not been diligent in 12-D matters.

BUDGET UPDATE
Director Bamba reported that HRC staff person Joyce Smith was working closely with the Mayor's office and also with departments to finalize our work order arrangements for fiscal year 2000-2001. Director Bamba introduced a schedule prepared by Joyce Smith for review of the budget by the Budget Committee of the Commission. Director Bamba advised that an internal audit of the billing of work orders had been conducted and Ms. Smith would present the findings to the Budget Committee.

In closing Director Bamba invited the Commissioners to speak at the presentation of the budget to the Board of Supervisors.

COMMITTEE REPORTS
YOUTH AND EDUCATION COMMITTEE
Commissioner Globus-Sabori provided a report from the Committee meeting of January 20, which included an analysis of Proposition 21 and its impact on HRC mandates. Commissioner Globus-Sabori also introduced a brochure on facts relating to juvenile crime. Commissioners Herman and Jaicks commended Commissioner Globus-Sabori for the brochure. It was moved, seconded, and passed to accept the analysis of Proposition 21. (Moved) Herman (Seconded) Knutzen (Passed Unanimously).

Chair Low congratulated Commissioner Globus-Sabori on the brochure and noted that sending juveniles to the California Youth Authority was the equivalent of providing training to be better criminals; however, juveniles who went to facilities such as the Log Cabin Ranch had a lower degree of returning to crime.

Commissioner Herman suggested that phone numbers of service providers be added to the brochure so the use of the brochure could be increased to be a reference source.

Commissioners Watahara and Littleton commended the Youth and Education Committee on the brochure and offered resources that could be useful in the efforts of the Youth and Education Committee.

Commissioner Knutzen commended the brochure and had questions regarding the legality of language used in the brochure that were addressed by Mario Kashou, Deputy City Attorney.

Commissioner Chey thanked HRC staff for their work on the brochure and Chair Low suggested that staff check with the City Attorney to make sure the correct language was used.

It was moved, seconded, and passed to approve the brochure presented by the Youth and Education Committee. (Moved) Chey (Seconded) Dimapilis (Passed Unanimously)

MBE/WBE/LBE ADVISORY COMMITTEE
Commissioner Dimapilis reported that the Rules and Regulations had been received and a lively discussion ensued at the Committee meeting. Commissioner Littleton noted that a revised version was available along with a letter from the Advisory Committee requesting that certain communications be given to the Advisory Committee, specifically a Waiver Report from the Executive Director. Commissioner Littleton stated that the Advisory Committee would like to receive the report on a regular basis along with the regular Quarterly Report.

Commissioners Dimapilis and Littleton invited the Commissioners to attend the next meeting of the MBE/WBE/LBE Advisory Committee, which would be held at the Port of San Francisco.

LESBIAN GAY BISEXUAL TRANSGENDER ADVISORY COMMITTEE
Commissioner Knutzen reported that recruitment efforts for new members were underway. Commissioner Knutzen requested referrals from the Commissioners. Commissioner Knutzen stated that currently members of the LGBT Advisory Committee must be San Francisco residents; however, Commissioner Knutzen noted that the Committee was discussing whether that requirement should be dropped due to the difficulty of remaining a San Francisco resident.

Commissioner Knutzen introduced the Economic Empowerment Task Force's initial report for acceptance. Commissioner Knutzen asked that the recommendations listed on the last page of the report be approved so the Committee could continue the next stage of development. Commissioner Knutzen reported that funding would be sought for a comprehensive study of the economic condition of the Lesbian Gay Bisexual Transgender community.

Commissioner Julia Globus-Sabori commended Commissioner Knutzen for the report and especially for including people of color, and recommended that the Committee collect information in order to provide specific numbers in regard to people of color.
Commissioner Littleton added that such a survey should be conducted across the board because people of color had the same level of exposure historically, especially the African-American community.

Commissioner Herman agreed and noted that some of the myths of wealth within the Gay and Lesbian community at large were not true.

Commissioner Watahara suggested that the study be accompanied by a public policy report, which would be action oriented. Commissioner Watahara also suggested including requests for funding from the private sector.

Commissioner Jaicks referred to the remarks of Don Hesse, former HRC staff person who noted the continued disparity in the economics of the African-American male. Commissioner Jaicks suggested that the Committees work together to find solutions to the problem.

Commissioner Salazar-Hobson commended Commissioner Knutzen for the report and her eloquence in presenting it.

Commissioner Knutzen moved to accept the Economic Empowerment Task Force's initial report. (Seconded) Dimapilis (Passed Unanimously)

Commissioner Knutzen moved for approval a letter to Exxon/Mobil Corporation criticizing their revocation of Domestic Partner Benefits. (Seconded) Dimapilis (Passed Unanimously).

Commissioner Herman moved to adopt an analysis of Proposition 22 and its impact on HRC mandates.

(Seconded) Dimapilis (Passed Unanimously)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION
There was no public comment.

VOTE ON WHETHER TO HOLDCLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B)
Commissioner Knutzen moved to go into closed session. (Seconded) Herman (Passed Unanimously).

Commission Chair Low announced that he would confer with the Executive Director at her request and the meeting went into closed session at 6:00 p.m.

RECONVENE IN OPEN SESSION
The Commission reconvened in open session at 7:10 p.m. and voted unanimously not to disclose any discussions held in closed session. Commission Chair Low stated that the closed session action item would continue at the next Commission meeting. Chair Low asked Deputy City Attorney Mario Kashou to advise City Attorney Linda Ross to attend the next meeting and provide advice.

ADJOURMENT
The meeting adjourned at 7:13 p.m.

NEXT MEETING
DATE:Thursday, February 10, 2000
TIME:4:30 P.M.
1 Dr. Carlton B. Goodlett Place, Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

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City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

THURSDAY, FEBRUARY 10, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

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Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen Herman
Agar Jaicks
Martha Knutzen
Leslie Littleton
Harry Low
Antonio Salazar-Hobson
Ghada Saliba-Malouf
Alan Watahara

EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.es./ethics.

AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of January 27, 2000

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

   a) Individual Commissioners Report on their Activities in the Community

      1. Approval of Resolution for Mary T. Hernandez (**)(Action Item)
      2. Approval of Resolution for Dr. Anita Grier (**)(Action Item)

6. REPORT OF THE DIRECTOR

a) Fiscal Year 2000-2001 Budget Update(Discussion Item)
b) Report on 12-D Waivers(Discussion Item)
c) Memorial for Carol Ackles(Discussion Item)

7. COMMITTEE REPORTS

a) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. No Report

NOTE: *The next meeting of the*
Lesbian Gay Bisexual Transgender Advisory Committee will
Be held on Tuesday, February 15, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

b) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. No Report

NOTE:
The next meeting of the Youth and Education Committee will
Be held on Thursday, February 17, 2000 at 4:00 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

c) Employment Committee
Commissioner Ghada Saliba-Malouf, Chair
Commissioner Agar Jaicks, Co Chair
Pansy Waller, Committee Staff

1. Discussion on future projects.
2. Update regarding William Green complaint against Tutor Saliba (Discussion)
3. Discussion on Compliance Officers access to Airport Sites

NOTE:
The next meeting of the Employment Committee will
Be held on Thursday, March 2, 2000 at 12:00 noon at the
Human Rights Commission offices, 25 Van Ness Avenne,
Eighth Floor Conference Room, San Francisco, CA 94102

d) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Emil DeGuzman, Committee Staff

1. Report of the Committee Meeting/Ellis Act Update(Discussion Item)
2. Discussion regarding Indian Self-Reliance & Tribal Gaming Issues

NOTE:
The next meeting of the Issues Committee will
Be held on March 6, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

e) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Change of Meeting Venue(Discussion)

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will
Be held on Wednesday, Febrnary 16, 2000 at 5:30 p.m. at the
Port of San Francisco, 3100 Ferry Building,
Port Commission Room, San Francisco, CA 94102

8. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

9. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B):

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
EXECUTIVE DIRECTOR, MARIVIC BAMBA
(DISCUSSION AND POSSIBLE ACTION ITEM)

10. RECONVENE IN OPEN SESSION:

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (SF Admin Code section 67.12 (a).)(ACTION ITEM)

11. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT MATTER JURISDICTION OF THE HUMAN RIGHTS COMMISSION.

12. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, FEBRUARY 24, 2000

A:\agenda 02/10/00

LEGEND:	(*)	=	Oral Report No Attachment
	(**)	=	Attachment Provided
	(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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MINUTES OF THE COMMISSION MEETING OF FEBRUARY 10, 2000

Commission Chair Harry Low called the meeting to order at 4:30 p.m. and welcomed everyone in attendance.

ROLL CALL

Commissioners

Present: Harry Low, Chair; Ghada Saliba-Malouf, Vice Chair; Shirley Dimapilis; Stephen Herman; Agar Jaicks; Martha Knutzen; Leslie Littleton; and Alan Watahara

Excused: Youn Chey; Julia Globus-Sabori; and Antonio Salazar-Hobson

HRC Staff

Present: Marivic Bamba, Executive Director; Larry Brinkin; Emil DeGuzman; Diana Rathbone; Carla Vaughn; Pansy Waller; and Kevin Williams

Guests:

Present: Susan Frankel, Deputy City Attorney

APPROVAL OF MINUTES

The minutes of the January 27, 2000 Commission meeting were unanimously approved with minor changes.

GENERAL COMMUNICATIONS

The General Communication file was circulated.

PUBLIC COMMENTS

There were no public comments.

REPORT OF THE CHAIR

BLUE RIBBON PANEL

Chair Low provided an update regarding the status of the Blue Ribbon Panel. He advised the next public meeting would be March 1st and the place and time would be announced at a later date. Chair Low noted that a brief column was being drafted for the major San Francisco presses which would describe the goals, objectives and timelines of the panel.

Commissioner Knutzen requested that copies of the final column be provided to the Commissioners so they could make them available to their Committees.

AIRPORT COMMISSION

Chair Low shared a communication from the Airport Commission.

UCSF- MISSION BAY

Commissioner Agar Jaicks reported receiving a notice from UCSF regarding the new building on Mission Bay. He advised that a time schedule had been provided and he wondered if Director Bamba and the MBE/WBE/LBE Advisory Committee had been provided the same information.

Director Bamba advised that she was not aware of the specific information; however, she advised that notices sent to the Human Rights Commission office are posted on a regular basis.

APPROVAL OF RESOLUTIONS FOR MARY T. HERNANDEZ AND DR. ANITA GRIER

Commissioners Herman and Dimapilis thanked Larry Brinkin, HRC staff person and Carla Vaughn, Commission Secretary for their work on the resolutions.

Commissioner Herman moved that the resolutions be approved with minor changes. (Seconded) Dimapilis. (Passed) Unanimous.

HISPANIC IMAGES AND VOICES OF AIDS PROJECT

Commissioner Herman reported attending a fund-raiser for the Korean Center and meeting Lydia Nakashima Degarrod, Ph.D., a Visiting Scholar with the University of California, Berkeley. Commissioner Herman provided copies of a proposal for a project that Ms. Degarrod is involved with. Commissioner Herman advised that Ms. Degarrod is seeking letters of support in her grant proposal. Commissioner Herman recommended sending the issue to the LGBT Advisory Committee for review.

Commissioner Knutzen and Director Bamba had questions regarding whether or not Ms. Degarrod was seeking funding. Commissioner Herman advised that Ms. Degarrod's request was not of a monetary nature at this time.

Commissioner Knutzen questioned the appropriateness of the request and asked Larry Brinkin, HRC staff person to look into the matter.

BUDGET SUB-COMMITTEE

Commissioner Herman reported that the Budget Sub-Committee met with the Director and Joyce Smith, HRC staff person. He advised that things looked good and the Budget Sub-Committee requested additional detail on certain items. In particular, a secretary for the Commission specifically was requested. Commissioner Herman reported that the Director had mentioned that there were some positions that were work ordered and could potentially be lost versus other positions that were funded by the general fund. Commissioner Herman noted that the sub-committee would be making sure that the core support staff of the Commission is safe and sound on general fund and not held at the kindness of others.

Vice Chair Ghada Saliba-Malouf invited the Commissioners to bring to the attention of the sub-committee any special areas that needed funding before the next sub-committee meeting.

Commissioner Jaicks asked if the Standing Committees were in the budget. Director Bamba replied that generally they are not a line item on the budget; however, they are incorporated through the staff assigned to each committee.

CODE OF CONDUCT FOR PUBLIC OFFICIALS

Chair Low asked for clarification regarding a packet describing the new Sunshine Act as well as the Code of Conduct for Public Officials.

Deputy City Attorney Susan Frankel advised that the Commissioners would be receiving a letter inviting them to one of several scheduled training sessions. Ms. Frankel noted that after attending the mandatory sessions they would sign off as proof of their attendance.

PUBLIC COMMENT

There was no public comment.

REPORT OF THE DIRECTOR

FISCAL YEAR 2000-2001 BUDGET UPDATE

Director Bamba reported that prior to meeting with the budget sub-committee she met with Matthew Hymel, budget officer for the Mayor's office. Director Bamba advised that all departments had been instructed to remain within their base line. Director Bamba reported that work orders were still being negotiated. Director Bamba advised that if the

Commission remained within their base line there would be enough resources to fund some of the initiatives. She noted that the general fund component of the budget would be finalized soon and the deadline from the Mayor's office had been extended to February 25th.
Director Bamba stated that Joyce Smith, HRC staff person, had been working diligently in finalizing the numbers. She noted that another issue being looked at is accommodating and adjusting for the cost of living increases.

Commissioners Jaicks and Littleton had questions regarding the needs of Committees to provide more services, i.e. Special Task Forces, etc. The Director advised that such requests should be submitted through the HRC staff person along with cost estimates.

Commissioner Herman advised that Commissioners Saliba-Malouf and Salazar-Hobson should be contacted in his absence if additions to the budget were anticipated.

12-D WAIVER REPORT

Director Bamba reported that 128 waivers had been granted since November 1998, which included 5 waivers during the month of January 2000 which totaled $445,985.00. The Director advised that reports would be made available on a regular basis and the procedures being followed were the same for Chapter 12-B. The Director noted that for the same time period there were roughly 1,000 waivers granted for 12-B. Director Bamba reported that for 12-D there are specific requirements that must be followed before any waiver is granted. She noted that most of the waivers were sole source equipment manufacturers who provided specialized equipment and that others were for medical services that typically are provided by a public entity like UCSF.

Commissioner Littleton commented regarding the Director attending a planning meeting of the MBE/WBE/LBE Advisory Committee. She stated that the Committee members were interested in understanding the types of contracts that are being sole-sourced out.

Director Bamba advised that letters are usually attached to the waiver form, which would detail the good faith efforts that the department conducted prior to requesting the waiver. She noted that if no correspondence is attached requests are sometimes denied unless an emergency is being declared..

Commissioners Littleton and Watahara had questions as to whether or not the information would be available to the committee members prior to their next meeting. Director Bamba advised that it would.

MEMORIAL FOR CAROL ACKLES

Director Bamba noted the passing of HRC employee Carol Ackles who passed away on January 29th. She reported that HRC staff had sent a fruit basket and card and family members had informed staff that a memorial would be held on March 5th from 2pm to 5pm. Director Bamba advised that information regarding the location would be provided at a later date.

Chair Low noted with sadness the passing of Carol Ackles and her good deeds and actions that benefited the entire San Francisco community. Chair Low stated that the meeting would adjourn in memory of Carol Ackles.

Director Bamba noted that while undergoing treatment for her illness, Ms. Ackles took the time to continue to come into work. She requested that the Commission take a moment of silence in honor of Ms. Ackles. After the moment of silence Director Bamba concluded her report.

COMMITTEE REPORTS

EMPLOYMENT COMMITTEE

FUTURE PROJECTS

Commissioner Jaicks reported on discussions held at the last Employment Committee meeting regarding future projects. He stated that there are two main items that needed to be addressed: (1) The construction industry where there is not appropriate training for minorities; (2) The Workforce Investment Act, a federal act that comes under the guidance of the State. Commissioner Jaicks stated that the object of the act is to bring consolidation to all the groups that have something to do with employment. Commissioner Jaicks noted the conclusion of the Task Force on the Airport and on the unfinished agenda of the Employment Committee. Commissioner Jaicks reported that the Architectural Task Force would remain in place along with the First Source Hiring.

UPDATE REGARDING WILLIE GREEN COMPLAINT

Commissioner Jaicks reported that Director Bamba informed him that the matter was in the hands of the City Attorney and discussions should be limited.

Director Bamba stated that Lisa Berkowitz, Deputy City Attorney, was representing the Commission on this matter and questions could be directed to her.

Susan Frankel, Deputy City Attorney, clarified that there is an ethical wall set up between Ms. Berkowitz and herself within their office because Ms. Berkowitz is presenting to the Hearing Officer the position of the Human Rights Commission Director and Staff, while Ms. Frankel represents the Commissioners. Ms. Frankel noted that when the Hearing Officer returns to the Commission with a recommendation she would advise the Commission.

COMPLIANCE OFFICERS' ACCESS TO AIRPORT SITES

Commissioner Jaicks reported on the ongoing problem of access to Airport Sites by the Compliance Officers located at the Airport and asked for an update from Kevin Williams, HRC staff person.

Mr. Williams reported that there was no movement in the direction of access. He also advised that identification badges had not been provided, and although temporary badges had been provided they did not allow for unannounced visits.

Commissioner Jaicks asked what the next step would be. Commission Chair Low suggested Director to Director contact. Director Bamba advised that she would be meeting with John Martin, Airport Director, to discuss the work order arrangement and its effectiveness.

Commissioner Littleton requested to be included in the meetings because of the interest of the community in Airport projects. Mr. Williams noted that Kimberly Bolding had been assigned to the Airport Site within the last week and access to the Airport sites was not possible without badges and cars.

Mr. Williams stated that his predecessor, Pansy Waller had no problems gaining access to ground transportation vehicles. He advised that goals had been set in certain areas with serious under-representation of women and minorities in the trades. Mr. Williams stated that Mary Tramil, HRC staff person was working with a variety of city based organizations that are sensitive to the issue of women, referral, and recruitment in non-traditional trades.

Commissioner Jaicks asked if Mr. Williams ever had full clearance at the Airport. Mr. Williams replied that in his 2-½ years at the Airport he had not received full clearance. Commissioner Jaicks responded that a meeting should be scheduled and he asked to be a part of it.

Mr. Williams thanked the Commissioners for their support.

ISSUES COMMITTEE

ELLIS ACT UPDATE

Commissioner Jaicks reported that the meetings on the Ellis Act were ongoing with representatives from both sides of the issue. He stated that supporters of the Apartment Association along with the Tenants Union addressed the Committee on the issue. The Committee was not requesting a full hearing before the Commission because of the broadness of the issues. Commissioner Jaicks made a request to calendar a discussion between apartment owners and tenants.

Emil DeGuzman, HRC staff person stated that during the course of presentations by the aides of Supervisors Ammiano and Bierman it became clear that there were no simple solutions to the problem.

Chair Low advised that it would be helpful for the Commission to know who is debating this issue. He noted that it was a state law and a regional problem that possibly should be deferred to another governing body.

Mr. DeGuzman advised that the Planning Department and the Mayor's Office of Housing should be brought into the process.

Commissioner Jaicks advised that the tenants would like the Commission to look at "TIC", (Tenants In Common) and provide a recommendation.

Chair Low and Commissioner Knutzen wondered if the Commission should raise the issue.

Commissioner Jaicks stated that the legislation would relieve some of the problem and Commissioner Herman recommended a letter of support.

Director Bamba suggested staff do additional research to determine what other agencies in the city were looking into this matter as a way to consolidate efforts.

Chair Low requested a report by the next meeting and Commissioner Knutzen requested that the packet be available in a timely manner.

Commissioner Saliba-Malouf requested that the opposing view also be provided.

APPROVAL OF MINUTES

The minutes of the January 27, 2000 Commission Meeting were approved with changes. There was no public comment. (Moved) Dimapilis (Seconded) Knutzen (Passed) Unanimously.

NEW BUSINESS

Commissioner Littleton stated that it had been brought to her attention that there are still problems at the Airport regarding hangman's noose incidents. She advised that she was looking for verification.

Commissioner Herman asked if the incident was connected to the initial incident in terms of location, or the company involved. Commissioner Littleton replied that she had no information at this time.

Susan Frankel, Deputy City Attorney suggested that the issue be agendized for the next meeting.

VOTE ON WHETHER TO HOLD CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B)

Moved (Herman), Seconded (Littleton), and Passed unanimously.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

At 5:51pm the Commission went into closed session. There was no public comment.

RECONVENE IN OPEN SESSION

At 6:29 PM the Commission reconvened in open session and voted not to disclose any discussions held in closed session. Moved (Dimapilis) Seconded (Littleton) and Passed unanimously.

Commissioner Jaicks reported on the death of Dr. Zuretti Goosby, a highly respected San Franciscan resident who was Vice Chair of the first San Francisco Human Rights Commission, and the first African American to become a member of the San Francisco School Board. Chair Low also shared fond memories of Dr. Goosby.

ADJOURMENT

The meeting adjourned at 6:35 PM in memory of Carol Ackles and Dr. Goosby.

NEXT MEETING

DATE: Thursday, February 24, 2000

TIME: 4:30 P.M.

1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

SF
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#1
2/24/00

SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

THURSDAY, FEBRUARY 24, 2000

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4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

ROSTER OF COMMISSIONERS

Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen Herman
Agar Jaieks
Martha Knutzen
Leslie Littleton
Harry Low
Antonio Salazar-Hobson
Ghada Saliba-Malouf
Alan Watahara

EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

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CORRECTED AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of February 10, 2000

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

   a) Individual Commissioners Report on their Activities in the Community

6. REPORT OF THE DIRECTOR

a) Certification Update(Discussion Item)
b) Report on recently approved 12-D Waivers(Discussion Item)
c) Approval of Fiscal Year 2000-2001 Budget(Action Item)(Corrected Item)

7. COMMITTEE REPORTS

a) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. Economic Empowerment Meeting (Discussion)
2. Recruitment for new LGBT Advisory Committee members (Discussion)

NOTE: *The next meeting of the*
Lesbian Gay Bisexual Transgender Advisory Committee will
Be held on Tuesday, March 21, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

b) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. Distribution strategy for Juvenile Crime Brochure (Discussion Item)
2. Letter from Linda Davis, Interim Superintendent, responding to the Committee's request for a status report on counseling within the San Francisco Unified School District (Discussion Item)
3. Planning Retreat in lieu of regular April Committee Meeting in order to set the priorities for Youth & Education Committee projects and recommendations for agenda items for 2000-2001 school year. (Discussion Item)

NOTE:
The next meeting of the Youth and Education Committee will
Be held on Thursday, March 16, 2000 at 4:00 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

c) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Emil DeGuzman, Committee Staff

1. Matters relating to Housing Issues (Discussion Item)
2. Board of Supervisors activity that pertains to the current housing crisis in San Francisco (Discussion Item)
3. Resolution for Dr. Goosby, 1st African-American on San Francisco School Board (Action Item)(***)

NOTE:
The next meeting of the Issues Committee will
Be held on March 6, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

d) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Goals set by the Committee for Year 2000 (Discussion Item)

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will
Be held on Wednesday, March 15, 2000 at 5:30 p.m. at the
Port of San Francisco, 3100 Ferry Building,
Port Commission Room, San Francisco, CA 94102

e) Employment Committee
[redacted]
Commissioner Agar Jaicks, Co Chair
Pansy Waller, Committee Staff

1. No Report

NOTE:
The next meeting of the Employment Committee will
Be held on Thursday, March 2, 2000 at 12:00 noon at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

8. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

9. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SF ADMIN CODE SECTION 67.10(B).

   PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
   EXECUTIVE DIRECTOR, MARIVIC BAMBA
   (DISCUSSION AND POSSIBLE ACTION ITEM)

10. RECONVENE IN OPEN SESSION:

    VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (SF Admin Code section 67.12 (a).)(ACTION ITEM)

11. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT MATTER JURISDICTION OF THE HUMAN RIGHTS COMMISSION.

12. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, MARCH 9, 2000

A:\agenda 02/24/00

LEGEND:	(*)	=	Oral Report No Attachment
	(**)	=	Attachment Provided
	(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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revised

HUMAN RIGHTS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
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San Francisco, CA. 94102
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REVISED MINUTES OF THE COMMISSION MEETING OF FEBRUARY 24, 2000

Commission Chair Harry Low called the meeting to order at 4:30 p.m. and welcomed everyone in attendance.

ROLL CALL

Commissioners

Present: Harry Low, Chair; Youn Chey; Shirley Dimapilis; Stephen Herman; Agar Jaicks; Martha Knutzen; Leslie Littleton; Antonio Salazar-Hobson (arr. 5:05); and Alan Watahara

Excused: Julia Globus-Sabori; Ghada Saliba-Malouf

HRC Staff

Present: Marivic Bamba, Executive Director; Larry Brinkin; Emil DeGuzman; Joyce Smith; and Carla Vaughn

Guests:

Present: Susan Frankel, Deputy City Attorney and Louis Calabro, European-American Advocate

APPROVAL OF MINUTES

Approval of the February 10, 2000 Commission Meeting minutes were deferred until later in the meeting.

GENERAL COMMUNICATIONS

The General Communication file was circulated.

PUBLIC COMMENTS

LOUIS CALABRO

Louis Calabro, President of the European-American Issues Forum voiced his disapproval with the Commission and questioned whether or not European-Americans were provided equal representation on the Commission.

Chair Low stated that the Commission represents the entire community.

Louis Calabro proposed a resolution for Jake Robel, a six-year-old boy who was victimized by a car jacking.

Mr. Calabro expressed criticism regarding the Intergroup Clearinghouse for planning a symposium without input from the European-American Issues Forum.

Mr. Calabro requested that someone from the Commission contact the European-American Issues Forum.

REPORT OF THE CHAIR

LETTER FROM THE GOVERNOR OF VERMONT

Chair Low reported that a letter had been received from the Governor of Vermont in response to the correspondence generated from the Commission regarding the Vermont Supreme Court's ruling in Baker v. State.

AIRPORT COMMISSION LETTER FROM JOHN L. MARTIN

Chair Low circulated among the Commissioners a letter from John L. Martin, Airport Director, regarding the standing practice of addressing the Airport Commission by other departmental representatives.

BLUE RIBBON COMMITTEE

Chair Low reported that the Blue Ribbon Committee would meet on March 1st at City Hall. He stated that progress was being made by staff and the 6:00 p.m. meeting would be open to the public. Chair Low noted that Controller Harrington had been extremely helpful.

INDIVIDUAL COMMISSIONERS COMMENTS

COMMISSIONER HERMAN

Commissioner Herman thanked staff for the resolution for Dr. Anita Grier. He reported that the resolution would be presented to her at the Board of Trustees meeting by the Chancellor of City College.

COMMISSIONER DIMAPILIS

Commissioner Dimapilis reported that she presented the resolution to President Mary T. Hernandez at the School Board meeting.

REPORT OF THE DIRECTOR

APPROVAL OF FISCAL YEAR 2000-2001 BUDGET

Director Bamba introduced Joyce Smith, HRC staff person, who presented the fiscal year 2000-2001 proposed budget.

Director Bamba thanked the Budget Committee members for working closely with Ms. Smith on the budget proposal. The Director noted a consensus on two points: (1) The designation of a Secretary to the Commission, and (2) The allocation of funds to the Committees.

Commissioner Herman thanked the Director and Ms. Smith for their responsiveness in working with the Budget Committee.

Commissioner Knutzen had questions regarding the Management Training proposed in the budget, and the servicing of a city vehicle. Director Bamba reported that every year a curriculum is provided, and the Department decides which programs are appropriate for staff to attend. Regarding the city vehicle Director Bamba noted that the vehicle was assigned to the Department and incurred fuel charges. The Director added that additional vehicles might be requested for the HRC/Airport personnel.

Commissioner Jaicks had questions regarding funds budgeted for the standing-Committees. Ms. Smith, HRC staff person referred Commissioner Jaicks to the information provided in the packet. Commissioner Herman noted that some confusion might be due to questions from the Committees regarding the need for additional staffing of HRC Units, not the Committees. Commissioner Herman continued stating that a second issue was that the Commission had asked that the Committees be given a small budget for the staffing of hearings and workshops.

Commissioner Jaicks asked if the Issues Committee had a staff person solely assigned to the Committee. Director Bamba replied that historically the agency had never had a staff person solely assigned to any of its standing-committees. Director Bamba noted some concern from staff regarding transcribing minutes from the Committee meetings, and advised that this would provide justification for an additional secretary.

Susan Frankel, Deputy City Attorney pointed out that section 12A.4 subsection B of the Administrative Code requires the establishment of an Executive Secretary to the Commission pursuant to the Charter, and that position shall be appointed by the Chair with the approval of the majority of the members of the Commission.

Commissioner Chey had a question regarding how staff is assigned to the standing-Committees. Director Bamba responded that it varied and would depend on the Committee itself and how much time might be required of staff.

Commissioner Littleton had a comment regarding the use of outside consultants and wondered if they were accessible to any of the Committees.

CERTIFICATION UPDATE

Romulus Asenloo provided an update on the Certification Program. Commissioner Herman requested additional information regarding the statistical tracking of certification applications. Specifically, Commissioner Herman asked how many applicants are ultimately certified, registered, denied, and/or closed during any particular month. There was also some discussion regarding site visits. Finally, Commissioner Littleton requested copies of the Program Update for the MBE/WBE/LBE Advisory Committee.

Commissioners Chey and Herman had questions regarding the denial format, reduction in the application form and confidentiality.

REPORT ON RECENTLY APPROVED 12-D WAIVERS

Director Bamba presented the report on the 12-D waivers.

COMMITTEE REPORTS

LESBIAN GAY BISEXUAL TRANSGENDER ADVISORY COMMITTEE

Commissioner Knutzen reported that the Committee would have a day of observation to raise conscienceness among themselves of racism in their community. She stated that a report would be provided. Commissioner Knutzen reported that a year ago sexism had been similarly observed and found to be a useful tool to discuss things that had been noticed. She advised that the day of observation would take place in March. Commissioner Knutzen announced a hearing was tentatively scheduled for May 11th to address the issue of Economic Empowerment within the LGBT community. In conclusion Commissioner Knutzen stated that the residency discussion would be tabled.

YOUTH AND EDUCATION COMMITTEE

Commissioner Chey reported on the distribution strategy for the Juvenile Crime Brochure and thanked Toni Delgado, HRC staff person for her help in finalizing the brochure. Commissioner Chey provided a letter from Linda Davis, Interim Superintendent, who was responding to the Committee's request for a status report on counseling within the San Francisco Unified School District. In conclusion, Commissioner Chey announced that a planning retreat would be held in April.

ISSUES COMMITTEE

Commissioner Jaicks reported briefly on the latest Issues Committee meeting and Chair Low suggested moving forward to the MBE/WBE/LBE Advisory Committee report until the return of the Chair of the Issues Committee.

MBE/WBE/LBE ADVISORY COMMITTEE

Commissioner Dimapilis provided the report from the MBE/WBE/LBE Advisory Committee. Commissioner Dimapilis reported that the planning session was used to set goals for the Year 2000. She advised the staff persons Veronica Ng, and Romulus Asenloo attended the meeting along with regular staff person Maria Cordero, and provided answers to many questions regarding waivers and certification.

Commissioner Dimapilis reported that there was discussion regarding problems at the Airport and a Task Force was created to deal with the many problems, including the issue of the recurring hangman's noose.

Commissioner Herman asked if this was a new incident and Commissioner Dimapilis reported that it was. Commissioner Littleton added that the noose was found at an internal location and background information was still being gathered. In closing Commissioner Littleton noted that there were many issues that needed to be addressed with regard to the Airport issues, and the fact that the Airport is the largest contract existing in the United States at this time.

Commissioner Herman advised that he was not satisfied with the manner in which the first hangman's noose was resolved.

Susan Frankel, Deputy City Attorney provided clarification for the Commission on the matter of the hangman's noose and advised that there had been some discussion with Kevin Williams, HRC staff person located at the Airport. Ms. Frankel noted that she advised Mr. Williams that the Airport was investigating the matter and would be providing a report to the City Attorney's office upon completion of their investigation.

Director Bamba added that the HRC had been advised that they did not have jurisdiction because a City Department was involved, therefore the EO Department was asked to investigate.

In closing, Commissioner Littleton stated that the MBE/WBE/LBE Advisory Committee did not feel that the jurisdictional argument from the Airport is sufficient or valid in this case.

Susan Frankel, Deputy City Attorney added that she would be meeting with Commissioner Littleton to discuss this issue further.

APPROVAL OF MINUTES

Chair Low returned to the minutes of the February 10th Commission Meeting. Moved (Herman) Seconded (Dimapilis) Passed (Unanimously)

Chair Low advised that the meeting would move forward to the closed session.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Chair Low requested public comment on all matters pertaining to the closed session. There were none.

VOTE ON WHETHER TO HOLD CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SF ADMIN CODE SECTION 67.10(B).

Moved (Chey) Seconded (Watahara) Passed (Unanimously) At 6:15 p.m. the Commission went into closed session.

VOTE TO RECONVENE IN OPEN SESSION

Moved (Jaicks) Seconded (Salazar-Hobson) Passed (Unanimously) At 6:37 p.m. the Commission voted not to disclose any or all discussions held in closed session.

Chair Low advised that the meeting would return to the report of the Issues Committee.

ISSUES COMMITTEE

Emil DeGuzman, HRC staff person presented an overview and summary of arguments presented to the Issues Committee from December 6, 1999 through February 7, 2000. They were as follows: -Ellis Act Legislation, -Chapter 37, San Francisco Administrative Code provisions In Rent Ordinance That Include Burton Amendment SB 948 And Ammiano Law On Relocation Cost Increase, -Ammiano Legislation Passed By Board Of Supervisors December 28, 1999, -Bierman Legislation On Tenants-In-Common Restrictions, -Rent Board Ellis Act Statistics, -Landlord And Owners Submitted Written Testimony, -Housing And Tenant Groups Submitted Written Testimony Including Medical Statement On Trauma To Elderly, -Newspaper Clippings.

Commissioners' Jaicks and Salazar-Hobson congratulated Mr. DeGuzman on a job well done. Commissioner Salazar-Hobson stated that he appreciated the modest delay in the report, which allowed him to confirm what the City's position was. Commissioner Salazar-Hobson advised that the intent was to proceed with one recommendation, which was to endorse the Bierman Legislation. He noted that part of the process was for Commissioners to seek the advice and counsel of the Mayor's Office, whether they agree or not. Commissioner Salazar-Hobson advised that the Mayor's Office had asked that the Commission not endorse the Bierman Legislation, which passed the Finance Committee two to zero. He advised that the issue was scheduled for hearing on March 6, and the Mayor's Office was considering rent control based on economic status or earned income similar to New York City standards.

Commissioner Herman brought to the Commissions attention correspondence within the packet provided by Mr. DeGuzman that he found disturbing. Mr. DeGuzman advised that there were some people in the Issues Committee meetings who were volatile in their positions. Commissioner Jaicks noted that the meetings were very emotional.

Chair Low suggested postponing further discussion since the issue was not an action item. Commissioner Salazar-Hobson added that the postponement was not meant to minimize the impact of the Ellis Act. Commissioner Herman agreed and suggested waiting until a fuller picture was available.

Commissioner Knutzen commented that one of the sub-issues being discussed by the LGBT Advisory Committee during their hearing on economic empowerment of the gay, lesbian, bisexual, and transgender community, was how many aspects of their lives are affected by living in the city. She commented that one of the aspects being discussed is the housing situation in San Francisco and what that means in terms of its impact on the lesbian, gay, bisexual, transgender community. Commissioner Knutzen noted the importance of living in a safe community and the impact of the housing crisis with regard to this issue. She stated that the hearings being conducted by the LGBT Advisory Committee would serve as a model for other advisory committees to discuss civil rights within the context of various economic issues that are occurring in the City. Commissioner Knutzen thanked Mr. DeGuzman for the information he gathered and advised that she would present it to the advisory committee and it would be very useful.

Commissioner Salazar-Hobson stated that when the Issues Committee dealt with this subject many people asked for hearings and suggested that this might be an appropriate topic for a Mayoral Summit. He stated that he hoped the Mayor would consider the suggestion and allow the involvement of the Commission. Commissioner Salazar-Hobson noted that there are many agencies that oversee this problem throughout the City. He continued stating that the issue could be beyond anything that the Human Rights Commission alone could address, however, expressing the various testimonies might warrant that level of inquiry and exposure at the appropriate juncture.

Chair Low advised that he had requested the names of various agencies and task forces that would be looking at this issue. Mr. DeGuzman advised that there is a City Comprehensive Affordability Strategy that all city departments have input into. He reported that 192 people sit on the committee and draft the strategy. Mr. DeGuzman advised that the committee has existed for 12 years or longer. He added that the committee was a requirement of HUD, and put together documents to look at the problems and solutions of this issue. Mr. DeGuzman proposed that Ed Ilumin, HRC staff person would present more material regarding the City's strategy at the appropriate time.

Chair Low advised that it would be helpful to know how many agencies and bodies were looking into the issue. He requested that Mr. DeGuzman gather information to prevent the duplication of efforts.

Ms. Jonnie Robinson, Liaison to the Mayor's Office, advised that the Mayor's Office was reviewing the issue and taking it seriously. She advised that the Commission not take a stand at this time. Commissioner Knutzen offered to provide input to the Mayor's Office from the LGBT community. Ms. Robinson noted that guidance could be provided once a determination was made as to the role of the Commission in regard to this issue. She advised that she would speak with Steve Kawa, Liaison to the Board of Supervisors and then provide further direction. Ms. Robinson invited Commissioner Jaicks to contact Steve Kawa directly.

Commissioner Jaicks reminded the Commissioners that three separate Issues Committee meetings had been held with testimony provided by landlords, tenants, and legislative aides from the Board of Supervisors. He noted that although the Commission could not take a position on Legislation they could recommend that the Board of Supervisors take a position. Commissioner Jaicks requested going on record in support of the Bierman TIC Legislation.

Commissioner Salazar-Hobson requested an opportunity to advocate for a role on the housing issue with the Mayor's Office on behalf of the Commission.

Ms. Robinson, Liaison to the Mayor's Office suggested a Special Meeting be held after contacting Steve Kawa for guidance.

Commissioner Salazar-Hobson and Ms. Robinson had further discussion regarding the role of the Human Rights Commission as it pertained to this issue.

Chair Low stated that another possible scenario would be regarding the vote of the Board of Supervisors and whether or not the deadline was fixed, thereby providing other opportunities to comment.

Commissioner Jaicks asked if a special meeting would be called and Commissioner Salazar-Hobson offered to speak with Steve Kawa of the Mayor's Office.

Commissioner Herman stated that he thought he heard Commissioner Salazar-Hobson say that there were possibly other solutions that the Mayor was interested in looking into and that the suggestion that was currently offered might not be the best solution available. He also noted that because the information was only recently made available to the Commission there had been no time to review the information therefore he was not prepared to endorse this particular solution.

Commissioner Salazar-Hobson stated that Commissioner Herman's assessment was quite accurate. Commissioner Salazar-Hobson continued stating that the Mayor had publicly stated that he was considering an idea dealing with rent control based on income. He continued noting that it was one of his stated ideas.

Commissioner Jaicks stated for the record that he was in favor of the TIC and hoped that the Commission would take that position.

Commissioner Herman requested that Commissioner Salazar-Hobson as Chair of the Issues Committee contact Steve Kawa. Commissioner Herman advised that he would be available for a special meeting.

Commissioner Salazar-Hobson stated that he hoped Commissioner Jaicks would attend also, and he would alert Chair Low and ask for judgment and guidance as to the appropriateness of a special meeting.

RESOLUTION FOR DR. GOOSBY, 1ST AFRICAN-AMERICAN MEMBER OF THE SAN FRANCISCO SCHOOL BOARD

Commissioner Herman introduced the resolution for Dr. Goosby. Moved (Chey) Seconded (Herman) Passed (Unanimously).

ADJOURMENT

The meeting adjourned at 7:15 PM.

NEXT MEETING

DATE: Thursday, March 9, 2000

TIME: 4:30 P.M.

1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

THURSDAY, MARCH 9, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

ROSTER OF COMMISSIONERS

Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen Herman
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Alan Watahara

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EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of February 24, 2000 (Action Item)

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

   a) Individual Commissioners Report on their Activities in the Community (Discussion Items)

6. REPORT OF THE DIRECTOR

1) March 2000 Quarterly Report (Discussion Item)

7. COMMITTEE REPORTS

a) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. Economic Empowerment Meeting (Discussion Item)

NOTE: *The next meeting of the*
Lesbian Gay Bisexual Transgender Advisory Committee will
Be held on Tuesday, March 21, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

b) Employment Committee
Commissioner Agar Jaicks, Chair
Pansy Waller, Committee Staff

1. Report of the Committee Meeting held March 2, 2000. (Discussion Item)

NOTE:
The next meeting of the Employment Committee will
Be held on Thursday, April 6, 2000 at 12:00 noon at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

c) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Emil DeGuzman, Committee Staff

1. No Report

NOTE:
The next meeting of the Issues Committee will
Be held on March 13, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

d) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Leslie Littleton, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. No Report

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will Be held on Wednesday, March 15, 2000 at 5:30 p.m. at the Port of San Francisco, 3100 Ferry Building, Port Commission Room, San Francisco, CA 94102

e) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. No Report

NOTE:
The next meeting of the Youth and Education Committee will Be held on Thursday, March 16, 2000 at 4:00 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

8. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

9. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SF ADMIN CODE SECTION 67.10(B).

Public Employee Performance Evaluation:
Executive Director, Marivic Bamba
(Discussion And Possible Action Item)

10. RECONVENE IN OPEN SESSION:

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (SF Admin Code section 67.12 (a).)(ACTION ITEM)

11. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT

MATTER JURISDICTION OF THE HUMAN RIGHTS COMMISSION.

12. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, MARCH 23, 2000

A:\agenda 03/9/00

LEGEND:	(*)	=	Oral Report No Attachment
	(**)	=	Attachment Provided
	(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

3F
180
2
9/00

HUMAN RIGHTS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
25 Van Ness Avenue, Eighth Floor
San Francisco, CA. 94102
(415) 252-2500
TDD: (415) 252-2550

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MINUTES OF THE COMMISSION MEETING OF MARCH 9, 2000

Commission Vice Chair Ghada Saliba-Malouf called the meeting to order at 4:30 p.m. and welcomed everyone in attendance.

ROLL CALL

Commissioners

Present: Harry Low, Chair (arr. 6:01); Ghada Saliba-Malouf, Vice Chair; Youn Chey; Shirley Dimapilis; Stephen Herman; Agar Jaicks; Martha Knutzen; Leslie Littleton (arr. 5:26); and Alan Watahara (arr. 4:58)

Excused: Julia Globus-Sabori and Antonio Salazar-Hobson

HRC Staff

Present: Marivic Bamba, Executive Director; Emil DeGuzman; Bayard Fong; Veronica Ng; Carla Vaughn; and Pansy Waller

Guests:

Present: Mario Kashou, Deputy City Attorney; Julian Gross, Director San Francisco Independent Task Force On Affirmative Action In Public Contracting; Jimmie Potts, AM Cain Trucking; Jonnie Robinson, Mayor's Office; and Linda Yeung, Deputy Director San Francisco Independent Task Force On Affirmative Action In Public Contracting

APPROVAL OF MINUTES

Commissioners Knutzen and Herman requested that approval of the February 24, 2000 Commission Meeting minutes be deferred pending further elaboration on several issues.

Commissioner Knutzen stated that the minutes of the February 24, 2000 Commission Meeting under the report of the Lesbian Gay Bisexual Transgender Advisory Committee did not reflect what she meant to say. She stated, "I reported that we would be having a day of observation, but it is our hearing on economic issues in our community that we are going to be holding May 11th, which is actually a Commission Meeting." Commissioner Knutzen continued, "That is why I wanted to make sure people understood that the full meeting was going to be devoted to a hearing, which we have done from time to time".

Under the Issues Committee report on page 5 of the February 24, 2000 Commission Minutes Commissioner Knutzen stated that she meant to say that the housing issue was one of the issues to be discussed at the hearing on economic issues in the LGBT community. She stated that there was no formal task force on housing but it would be discussed during the hearing.

Commissioner Herman advised that he was displeased with the way that the minutes reflected the report on the certification update. He stated that he felt the information was abbreviated. Commissioner Herman said the minutes did not reflect the discussion of his request for a report on the numbers of certifications. He stated that issues regarding certification were not elaborated on as much as other issues that were discussed at the same meeting. Commissioner Herman advised that he would ask the Director what happened to the request for additional information. Vice-Chair Saliba-Malouf stated that the issue could be raised under the Director's report. Commissioner Herman requested a revised set of minutes.

GENERAL COMMUNICATIONS

The General Communication file was circulated.

PUBLIC COMMENTS

JIMMIE POTTS

Jimmie Potts of AM Cain Trucking expressed disappointment in the ability of his company to bid for jobs. Mr. Potts had questions regarding how a company that is not HRC certified continues to be listed for trucking jobs with the City. Jimmie Potts stated that his two trucks had been idle since Thanksgiving.

Ghada Saliba-Malouf, Commission Vice Chair, had questions regarding the project contract. Mr. Potts advised that the project would be through the Public Utilities Commission. Commissioner Jaicks had questions regarding the certification of the company that had received the project.

Mr. Potts stated that S&S Trucking is not certified and should have graduated from the Minority Program. Commissioner Jaicks had questions regarding Mr. Potts ability to contact the HRC staff. Mr. Potts stated that he had spoken with several HRC staffers. Commissioner Jaicks asked if Mr. Potts had contacted the MBE/WBE/LBE Advisory Committee regarding this matter. Mr. Potts stated that he had not contacted the MBE/WBE/LBE Advisory Committee.

Vice Chair Saliba-Malouf had questions regarding the bid award time-line and referred Mr. Potts to Veronica Ng, HRC staff person to look into the matter.

Commissioner Knutzen requested that clarification be provided regarding the certification of S&S Trucking under the Directors Report of the next Commission Meeting Agenda.

Mr. Potts had a question regarding which body is responsible for awarding contracts. Commission Vice-Chair Ghada Saliba-Malouf advised that the PUC was the awarding agency on this project and the HRC was involved in an aspect of the process, but not the awarding of the contract. Vice Chair Saliba-Malouf noted that the HRC Contract Compliance Officer assigned to the PUC would have more information regarding this contract.

Veronica Ng, HRC staff person advised that research could be done and a follow up would be provided to Mr. Potts.

Vice Chair Saliba-Malouf turned the meeting over to Commission Chair Harry Low at 6:01 p.m.

Jonnie Robinson of the Mayor's Office advised that she had received correspondence from Paul Elizondo, attorney for S&S Trucking. Ms. Robinson reported that S&S Trucking had graduated from the program and was trying to return to the program under another name.

Veronica Ng advised that S&S Trucking was not a certified MBE trucker, and that they had graduated over a year ago.

Ms. Robinson added that she wanted to let Mr. Potts know that it was not the HRC that was responsible for the awarding of the contract. Ms. Robinson also noted that the Executive Director could respond as to whether or not the firm would be allowed into the Minority Program under another name. Ms. Robinson added that she did not think that was a possibility.

REPORT OF THE CHAIR

BLUE RIBBON COMMITTEE

Chair Low provided an update on the Blue Ribbon Committee and introduced Julian Gross, the Director of the project. Chair Low advised that Mr. Gross, along with his assistant Linda Yeung, had worked ambitiously on the project. He noted that the deadlines were being met and a full report would be provided by June. Chair Low reported that Commissioner Herman had attended the last meeting held a week ago. Chair Low advised that KPMG, the management consultants, provided an As-Is draft of the current mandates, laws, staff interviews, and perceived problems. Chair Low reported that the Committee had recently received a draft of the next phase, which is the best practices found throughout the country.

He noted that the Blue Ribbon Committee would meet at the end of the month to consider those best practices. Chair Low reported that a series of two meetings were being scheduled for Public Comment. He stated that the first meeting would be held on the evening of Wednesday, March 29 at City Hall, and the second meeting would be held on Saturday afternoon, April 6 from noon to 4 p.m. Chair Low invited the Commissioners to attend and added that a great deal of material from other cities was being made available through the end of the project which would provide a permanent record of the things being considered and reviewed. He noted that towards the middle of April proposals for recommendations by the Blue Ribbon Committee would be provided to the City in an effort to provide well run, hard working, and fair practices for the HRC and outside contracting. Chair Low advised that he and the other members of the Blue Ribbon Committee were pleased with the tentative schedule and the progress being made. He noted that with the finalization of the recommendations Mr. Gross and Ms. Yeung would be available to continue to provide help with the implementation of the recommendations. Chair Low reported that the San Francisco Independent had agreed to do the op-ed piece that had been drafted. Chair Low invited Mr. Gross to address the Commission.

Mr. Gross noted that regarding the public meetings a more detailed description would be provided to the Commissioners.

Commissioner Knutzen asked if there would be a mechanism for the Commissioners to provide input to the recommendations. Mr. Gross advised that a mechanism had not yet been developed to allow feedback on the recommendations being considered by the Task Force because they were at the initial development stage, however, during the development process they hoped to meet with several of the Commission members.

He continued advising that there was no plan to meet with each member, but at least several. Mr. Gross invited any Commissioners that might be interested in talking to the Task Force to contact them. Mr. Gross had questions regarding how many Commissioners were allowed to meet before it was considered a public meeting.

Mario Kashou, Deputy City Attorney advised that the gathering of six or more Commissioners would constitute a meeting.

Commissioner Knutzen stated that she would like to read the draft and possibly provide comments. Mr. Gross advised that he would speak with Mr. Kashou to determine exactly what the limitations would be and how to proceed. Vice Chair Ghada Saliba-Malouf noted that the considerable experience of the Commissioners regarding this issue, and Some of their perspectives and recommendations might be valuable in the process.

Mr. Gross stated that the Brown Act issues had been discussed and the input of the Commissioners was valued. Commissioner

Herman thanked Chair Low and the Task Force Members adding that he was privileged to sit in on the meeting and he acknowledged the level of discussion, commitment and quality of the people working on the issues. Commissioner Herman expressed his confidence in the product, which he said would be a roadmap to follow into the future. Commissioner Jaicks asked if there was anything in writing that would indicate the mandate or perimeters under which the Task Force was operating. Mr. Gross advised that he would provide the Task Force Mission Statement to all of the Commissioners.

Chair Low suggested that a legal analysis document be provided. Mr. Gross advised that currently that document was a draft report that was provided to the departments that work on particular areas to give them a chance to comment or make corrections. Chair Low advised that the Commissioners were interested in the progress of the Blue Ribbon Committee and their input might be helpful.

Commissioner Knutzen stated that she and the other Commissioners were Chairs or Co-Chairs of their various committees. She noted that she had been reporting on the Blue Ribbon Panel at her advisory committee meetings and would like to be able to report that recommendations were being provided.

Linda Yeung, Deputy Director of the San Francisco Independent Task Force On Affirmative Action In Public Contracting, addressed the concerns of Commissioner Knutzen stating that the Blue Ribbon Committee had met with the MBE/WBE/LBE Advisory Committee at the planning session and would also provide a follow-up meeting.

Commissioner Knutzen had concerns regarding the other Committees that fall under the HRC family of committees. Ms. Yeung advised that a packet would be provided to all Commissioners very soon.

Chair Low announced that Wilson Sunseni's law firm would be providing legal aid pro-bono, along with several other very competent lawyers.

Commissioner Herman had a comment regarding the General Correspondence File. He questioned why the B.A.R., a paper from the Gay Community, was included in the General Correspondence File.

Carla Vaughn, Commission Secretary, advised that she had requested correspondence from HRC staffers for the General Correspondence File. Ms. Vaughn noted that a staff person from the LGBT Unit included the paper.

Mr. Gross reported that Wilson Sunseni was approached regarding this issue because they were providing pro-bono support in Contra Costa County on a case regarding discrimination in public contracting. He advised that through their work on that case they had become familiar with the legal issues surrounding Proposition 209 and the various anti-discrimination laws and complicated interplay between the Federal and State requirements.

INDIVIDUAL COMMISSIONERS COMMENTS

Commissioner Youn Chey

Commissioner Youn Chey reported that she attended a community meeting organized by San Francisco Foundation regarding the upcoming census. She noted the importance of the minority communities to be aware of the census. Commissioner Chey commended the San Francisco Foundation for taking leadership in this matter. Commissioner Chey suggested sending a thank you letter to San Francisco Foundation commending them for encouraging those who may not take part in the census to do so. She asked that the Director prepare a letter to Herb Castillo, Program Executive at the San Francisco Foundation.

Commissioner Chey reported that she attended the Feinstein & Clinton dinner and was impressed by the President's remark regarding the over-confidence of the Democrats when things are going well. In closing, Commissioner Chey noted that the President reminded the participants to re-think how important it is to get active in the political process and to educate the community.

Commissioner Jaicks

Commissioner Jaicks stated that the primary system deprives people of color of some of their voting rights, especially when it comes to early states, such as Iowa and New Hampshire where the population is primarily White. He noted that decisions were being made before people of color had a chance to vote. Commissioner Jaicks advised that the Democratic National Convention would be holding hearings in San Francisco on April 1st. He continued stating that the Republican Party along with the Democratic National Committee are joining in a law suit to over turn the California Democratic Party open primary system. In closing, Commissioner Jaicks invited the Commissioners to attend the hearings.

Commissioner Saliba-Malouf

Commissioner Saliba-Malouf reported that she attended the kick-off for the Stop Hate Violence Campaign conducted by the Intergroup Clearinghouse.

REPORT OF THE DIRECTOR

March 2000 Quarterly Report and Annual Report

Director Bamba reported a significant problem in having departments cooperate in entering all the information into the Diversity Tracking System.

Director Bamba stated that the staff conducted training sessions, held subsequent meetings with each major department, as well as the smaller departments and there still is no cooperation in terms of providing all of the information. The Director advised that in order to resolve this matter at the Department Head level Jonnie Robinson of the Mayor's Office along with herself had contacted departments, and a recent meeting with Steve Kawa was held to figure out a resolution to the problem.

Commissioner Littleton commented regarding listing the departments that did not comply. Director Bamba advised the Commission that HRC staff person, Virginia Harmon did a thorough audit of the information that was provided and found that not enough information was provided to obtain a meaningful evaluation of the program. Director Bamba advised that she has been in contact with several department heads that were cooperating; however a majority of the department heads were not committed to the plan.

Commissioner Herman noted the difficulty in obtaining information from various off-site areas and asked if the function might be centralized with other departments that had the staffing capabilities to input the data before checks are paid. He added that the incentive to get the information before checks are cut might work.

Director Bamba advised that there is a similar plan already in place with the controller's office, but was not being adhered to. Director Bamba continued that another idea was to allow the departments to enter the information and show their project managers the data. She noted that several departments had asked for enhancements to the system. Director Bamba stated that some departments maintain the system, and keep their own database, but they do not want to input information into the Diversity Tracking System.

Commissioner Herman commented that the Dollars Lost column of the report was confusing and should be titled Dollars Gained Or Lost because they are not all Lost Dollars. He continued noting the potential for profit or loss and stated that just calling the column Dollars Lost is misleading. Director Bamba stated that the statistician had been notified.

Commissioner Knutzen expressed excitement regarding the sub-contractor information and acknowledged that having the report provided more positive feedback. Commissioner Knutzen continued noting that the diversity tracking system was central to this administration and had been fought for. She asked if the Blue Ribbon Panel would provide management recommendations. Mr. Gross advised that the Panel would provide recommendations. He noted that the Panel had access to the tracking system, and along with the management consultants would take a close look at this issue and understood the importance of it.

Mr. Gross stated that the Task Force Members had expressed interest in making recommendations or proposals in regard to this issue before the final report is issued.

Commissioner Littleton had a question regarding how well the program was generally received by the various departments. Director Bamba advised that she could not read intent, however based on her conversations with the various department heads, they were willing to comply but were only recently aware of the urgency of the issue. Director Bamba noted that it was helpful to receive re-enforcement and support from the Mayor's Office. She advised that Jonnie Robinson, Liaison to the Mayor's Office, has been contacting the departments to remind them that information was needed to implement this new system.

Director Bamba noted that the calls started in November 1998 and the system was up and running in January 1999. She continued stating that a letter was generated by the Mayor's Office in July 1999, which informed the departments that they must comply, and a subsequent letter was issued to department heads stating that goals must be met. Ms. Bamba referred to the report that had been provided showing the comparison between the goals and the achievement of those goals, or lack thereof. Ms. Bamba advised that due diligence had been exercised with respect to the responsibility of the HRC, and the Mayor. She noted that it was now up to the departments to explain why they are not able to meet the requirement.

Commissioner Chey asked if the department heads could receive training similar to the training requirement of the Sunshine Ordinance. Director Bamba advised that training had been provided to individuals designated by the department heads and that had not worked. She stated that now the department heads themselves were asked to oversee the implementation and insure that their staff adhere to the requirement. Director Bamba noted that there might be glitches in the system, however no excuses had been given to date that would justify why the minimum information had not been entered into the system. She continued noting that the audit verified that critical information had been omitted on certain contracts.

Commissioner Chey noted in agreement with Director Bamba that it was a matter of priority. She suggested that Jonnie Robinson, Liaison of the Mayor's Office, convince the Mayor to make this issue a priority so the department heads would follow the recommendations.

Ms. Robinson announced that the Mayor had scheduled a department head meeting that was to take place that morning, however it had been rescheduled. She noted that the Mayor had been advised that he needed to meet with the department heads, and Steve Kawa from the Mayor's Office was involved with the scheduling of department that were deficient in implementing the information. She added that the next report should reflect improvements.

Commissioner Herman asked Ms. Robinson if centralizing the system had been considered. He wondered if the data could come into a central office where one data entry staff person would be responsible for maintaining the information.

Ms. Robinson responded that the information could not be maintained by one individual. She noted that the tracking system was tied to city systems already in existence, such as, FAMIS and ADPICS. Ms. Robinson continued stating that the departments should input the information and assign one person to do data entry on contracts. She stated that so far that had not been done. Ms. Robinson advised that the departments should not be rewarded when compliance had not been met. She noted that the 12-D Ordinance required that the report be provided to the Mayor, as well as the Board of Supervisors. In addition, she stated that the Mayor was responsible for stating the goals for the entire city. Ms. Robinson noted that if the required information was not provided the goals could not be met.

She stated the department heads resistance should be met with some form of discipline. Ms. Robinson suggested the disciplinary action be in accordance with the department heads performance evaluation and increase.

Commissioner Watahara stated that he hoped this issue would be addressed in the proposal.

Commissioner Herman stated that he had requested a report on the certification statistics to clarify some issues. Director Bamba advised that she had reviewed a draft memo from Romulus Asenloo, HRC certification staff person, and that if it had not been provided it would be very shortly. She invited the Commissioners to contact her directly or to call Mr. Asenloo if there were more questions.

Director Bamba referred to an issue that had been raised earlier in the meeting. She advised that S&S Trucking was no longer certified. Ms. Bamba noted that she had a discussion with Mr. Potts and his issue involved a question of equipment. She reported that she had referred him to Rod Roche of the Giants organization who knew about the different types of trucks being used on projects.

Commissioner's Jaicks and Herman had more questions regarding the issue of contracts to S&S Trucking. Director Bamba clarified that S&S Trucking may have received contracts, however they were not certified by the HRC and had not received credit under the Ordinance. She noted that she would check with Virginia Harmon, HRC staff person in charge of monitoring PUC contracts. Vice Chair Ghada Saliba-Malouf requested that the issue be placed on the agenda for the next meeting.

COMMITTEE REPORTS

LESBIAN GAY BISEXUAL TRANSGENDER ADVISORY COMMITTEE

Commissioner Knutzen advised there had not been a meeting therefore there would be no report.

EMPLOYMENT COMMITTEE

Commissioner Jaicks reported on three issues from the Employment Committee meeting. One issue was regarding contracts through the Film, Video, and Arts Commission. Another issue was regarding a report that was provided by Don Hesse, Human Services staff person, for First Source Hiring. The last issue was a report regarding the Brendan House renovation, which was provided by HRC staff person James Fields.

Commissioner Jaicks commented on the work being done by Don Hesse and noted that the First Source Hiring department was understaffed.

Ms. Jonnie Robinson, Liaison to the Mayor's Office stated that the First Source Hiring program is under Director Will Lightbourne of the Human Services Department. She advised that his department was responsible for First Source Hiring.

Ms. Robinson noted that Mr. Hesse is housed in the Business and Economic Development Department, however, she advised that he reports to Mr. Lightbourne. She stated that the program had received rave reviews and she was not aware of Mr. Hesse needing someone in City Hall with him to carry out the responsibilities. Ms. Robinson advised that the issue should be looked into.

Regarding Brendan House, Commissioner Jaicks reported that an update had been provided. He stated that Mr. Fields, HRC staff person had reported on the success of Brendan House. Commissioner Jaicks stated that he was disturbed that the Annual Report did not focus on employment. He commented that it was because of the structure and suggested the Blue Ribbon Panel take a look at it. Commissioner Jaicks stated that there was nothing under an MBE/WBE contract that mandates a certain amount of hiring on the part of the MBE/WBE business owners. He added that this was not the case at Brendan House, which was doing quite well.

Commissioner Jaicks reported that meeting with Mr. Johnson, the Director of the Film, Video, and Arts Commission was relatively contentious. He advised that the Director felt that he was not given the proper notification as to what the topic would be. Commissioner Jaicks stated that women had appeared before the Human Rights Commission, who feel that they have been discriminated against by the film industry. The Commissioner reported that the Film, Video, and Arts Commission signs contracts with film producers whose mandate is to implement the affirmative action and non-discriminatory clauses of the Ordinances of this City. Commissioner Jaicks stated that the Employment Committee feels that some producers and unions combined have seemed to block out some of the women. He noted that instead of bringing an action item before the Commission he contacted Executive Director Bamba and asked her to speak with Mr. Johnson.

Director Bamba reported that she spoke with Director Johnson and they are planning a meeting. She noted that there was a failure on the part of HRC to provide him with an orientation of the issues, therefore he was unprepared to respond. The Director invited Commissioner Jaicks to attend the meeting with Director Johnson.

Charlotte Long one of the women involved in the issue stated that Director Johnson had prior knowledge of the discrimination issue. Ms. Long stated that last year she and several other women attended a Film Commission meeting and spoke with him. She advised that after hearing their complaint against Local 16 he referred them to the Human Rights Commission to file a complaint.

Director Bamba stated that the requirements would be looked into.

Ms. Long stated that she and Victoria Lewis were insulted by Director Johnson's recent statement that productions would be discouraged from coming to San Francisco if these requirements had to be implemented.

Vice Chair Ghada Saliba-Malouf stated that the matter would be continued, questions would receive appropriate responses, and a follow up would be provided.

Commissioner Knutzen commented that the attitude regarding this issue was upsetting, and similar to the attitude that surrounded the implementation of the Equal Benefits Ordinance.

Vice Chair Ghada Saliba-Malouf and Commissioner Jaicks noted that the facts would be gathered and the best procedure would be to pursue the issue in committee, and return to the Commission if necessary after Director's Bamba and Johnson had an opportunity to meet.

Jonnie Robinson, Liaison from the Mayor's Office advised that she spoke with Director Johnson after the Employment Committee meeting and he was very upset. She noted that the Film and Video Department provides permits for filming and does not award contracts or have involvement in hiring. However, she commented that she shared Commissioner Knutzen's concern regarding this attitude toward women.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Vice Chair Ghada Saliba-Malouf requested public comment on all matters pertaining to the closed session. There was no public comment.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B).

At 6:05 p.m. Vice Chair Ghada Saliba-Malouf invited the public to clear the room and the Commission went into closed session.

RECONVENE IN OPEN SESSION

At 6:18 p.m. the Commission reconvened in open session.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION

The Commission voted not to disclose any or all discussions held in closed session.
Moved (Herman) Seconded (Dimapilis) Passed (Unanimously)

ADJOURMENT

The meeting adjourned at 6:30 p.m.

NEXT MEETING

DATE: Thursday, March 23, 2000

TIME: 4:30 P.M.

1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

THURSDAY, MARCH 23, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

ROSTER OF COMMISSIONERS

Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen Herman
Agar Jaicks
Martha Knutzen
Leslie Littleton
Harry Low
Antonio Salazar-Hobson
Ghada Saliba-Malouf
Alan Watahara

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EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

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ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code I6.520 - I6.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at I390 Market Street, #70I, San Francisco, CA 94I02, telephone (4I5)554-9510 fax (4I5)703-0I2I and web site http://www.ci.sf.ca.es./ethics.

AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of February 24, 2000 (Action Item)
   b) Approval of minutes of Commission Meeting of March 9, 2000 (Action Item)

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

   a) Individual Commissioners Report on their Activities in the Community (Discussion Items)

6. REPORT OF THE DIRECTOR

a) Update on Diversity Tracking System (Discussion Item)
b) Report on Small Business Administration Presentation (Discussion Item)

7. COMMITTEE REPORTS

a) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. Day of Observation of racism in the LGBT communities (Discussion Item)
2. Planning for the May 11 public hearing on economic empowerment. (Discussion Item)

NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will Be held on Tuesday, April 18, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b) Employment Committee
Commissioner Agar Jaicks, Chair
Pansy Waller, Committee Staff

1. Elevator Constructors Task Force (Discussion Item)

NOTE:
The next meeting of the Employment Committee will Be held on Thursday, April 6, 2000 at 12:00 noon at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

c) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Emil DeGuzman, Committee Staff

1. Report of the March 13 committee meeting (Discussion Item)

NOTE:
The next meeting of the Issues Committee will
Be held on April 10, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

d) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Leslie Littleton, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Report of the March 15 committee meeting (Discussion Item)

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will
Be held on Wednesday, April 19, 2000 at 5:30 p.m. at the
Port of San Francisco, 3100 Ferry Building,
Port Commission Room, San Francisco, CA 94102

e) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. Report of the March 16 committee meeting (Discussion Meeting)

NOTE:
The next meeting of the Youth and Education Committee will
Be held on Thursday, April 20, 2000 at 4:00 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

8. PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

9. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SF ADMIN CODE SECTION 67.10(B).

   Public Employee Performance Evaluation:
   Executive Director, Marivic Bamba
   (Discussion Item)

10. RECONVENE IN OPEN SESSION:

    VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (SF Admin code section 67.12(a).) (ACTION ITEM)

11. GENERAL PUBLIC COMMENT ON ANY MATTER WITHIN THE SUBJECT MATTER JURISDICTION OF THE HUMAN RIGHTS COMMISSION.

12. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, APRIL 13, 2000

A:\agenda 03/23/00

LEGEND:	(*)	=	Oral Report No Attachment
	(**)	=	Attachment Provided
	(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

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CITY AND COUNTY OF SAN FRANCISCO
25 Van Ness Avenue, Eighth Floor
San Francisco, CA. 94102
(415) 252-2500
TDD: (415) 252-2550

MINUTES OF THE COMMISSION MEETING OF MARCH 23, 2000

Commission Vice Chair Ghada Saliba-Malouf called the meeting to order at 4:45 p.m. and announced that there was not a quorum, therefore the meeting would be in recess until another Commissioner arrived. The meeting was called to order at 4:56 p.m.

ROLL CALL

Commissioners

Present: Ghada Saliba-Malouf, Vice Chair; Youn Chey; Shirley Dimapilis; Agar Jaicks; Leslie Littleton (arr. 4:56); and Antonio Salazar-Hobson

Excused: Harry Low, Chair; Julia Globus-Sabori; Stephen Herman; Martha Knutzen; and Alan Watahara

HRC Staff

Present: Marivic Bamba, Executive Director; Larry Brinkin; Emil DeGuzman; Bayard Fong; Veronica Ng; Carla Vaughn; and Pansy Waller

Guests:

Present: Mario Kashou, Deputy City Attorney; Jimmie Potts, AM Cain Trucking; Lark Curtin; Dennis Downey; Jonnie Robinson, Mayor's Office;

APPROVAL OF MINUTES

Approval of the March 9, 2000 Commission Meeting minutes was deferred.

GENERAL COMMUNICATIONS

The General Communication file was circulated.

PUBLIC COMMENTS

DENNIS DOWNEY

Dennis Downey, a grad-student from UC Irvine who is doing state-wide research on Human Relations Commissions advised that he was providing the Commissioners with questionnaires regarding the interests of Commissioners and requested they fill them out and return them in the self-addressed, stamped envelopes. Mr. Downey stated that he was helping California Association of Human Relations Organizations (CAHRO) create stronger networks among Human Relations Commissions around the state.

Commissioners Chey and Salazar-Hobson had comments regarding the timeliness of the Commission meeting and whether the form could be turned in immediately. Commissioner Jaicks had questions regarding the object of the survey.

Mr. Downey stated that the survey was one part of a broader research project created to obtain information regarding the interests of Commissioners. He stated that the information would be used as part of a dissertation he was writing. Mr. Downey advised that he was working with CAHRO to develop a directory of contact and program information that would be useful for Commissions around the state.

JIMMIE POTTS

Jimmie Potts of AM Cain Trucking stated that since his last appearance before the Commission he had received feedback regarding S&S Trucking from Panetta Scott, HRC staff person. He stated that S&S Trucking should not be allowed to act as a broker for local truckers. In closing, Mr. Potts reported that he was tentatively listed to do the structural steel hall for the Moscone Center.

Commissioner Littleton had a question regarding Mr. Potts' possible appearance before the MBE/WBE/LBE Advisory Committee. Mr. Potts advised that he was planning to attend the committee meeting to raise the issue of S&S Trucking. Commissioner Littleton suggested the issue could be returned to the main Commission body if necessary after addressing the Advisory Committee.

REPORT OF THE CHAIR

Commissioner Saliba-Malouf, Vice Chair advised that she did not have any items and invited the individual Commissioners to provide reports on activities in their communities.

INDIVIDUAL COMMISSIONER COMMENTS

Commissioner Youn Chey

Commissioner Chey reported that on March 18 there was an interesting and constructive meeting held at the Mayor's office. She stated that the meeting was organized by Bayard Fong, HRC staff person.

Commissioner Chey reported that the meeting was held on behalf of a group of South Korean Government Officials of the Ministry of Interior Affairs visiting San Francisco in order to learn about City contracting procedures. She stated that on very short notice Mr. Fong was able to organize a meeting for the officials and invited representatives from several departments who were able to respond to many of the questions the officials had. Commissioner Chey commended Bayard Fong for providing the necessary information.

Commissioner Littleton

Commissioner Littleton apologized for holding up the meeting and advised that she would be attending a meeting dealing with the "Driving While Black and Brown" issue later in the evening. She advised that she would provide a report from that meeting.

REPORT OF THE DIRECTOR

Update on the Diversity Tracking System

Director Bamba reported that at the previous Commission meeting it was indicated that departments are still not complying with the requirement to enter data into the system. She stated that on March 21st the Mayor asked for a presentation for all the department heads. Director Bamba reported that a review of the system requirements, screens for data entry, and the progress of all city departments entering information was provided by Virginia Harmon, HRC staff person. Director Bamba commended Virginia Harmon for her efforts. Ms. Bamba noted that Ms. Harmon provided a large transparency, which illustrated the progress of City departments in entering all of the outstanding contracts. Director Bamba reported that the Department of Public Works (DPW) was the only department that actually complied with over 2000 entries, compared with 2000 that were not entered by many departments.

Director Bamba reported the major department heads present included John Martin – Airport, Doug Wong – Port, Michael Burns – Muni, and many other departments that award contracts. Director Bamba noted that after the presentation many department heads approached Virginia Harmon and asked what they could do to comply because the Mayor suggested they work collaboratively. Director Bamba advised it was good that a message had been sent and she noted that there would be a good faith attempt on the part of department heads to comply with the system. She indicated that most of the department heads spoke with her and agreed that within 30 days they would work with Virginia Harmon to address any problems and glitches.

Report on the Presentation to the Small Business Administration

Director Bamba reported that she was invited to be the guest speaker at a Small Business Administration conference. She stated that many of the businesses in attendance were certified by the Small Business Administration and were committed to working closely with the Human Rights Commission to look at the guidelines for disadvantaged businesses. Ms. Bamba noted that she informed them that they should attend the minority, women, and local business enterprise committee. She added that the Small Business Administration (SBA) certification was important because it leads to set-asides for small businesses.

Director Bamba stated that many of the businesses are minority businesses and they were thrilled to be certified by the SBA ; however, she added that they knew they could benefit from both the HRC program and the SBA program and they wanted to contribute whatever knowledge they could to improve certification standards. Director Bamba advised that she encouraged the businesses to contact the Commissioners that head the MBE/WBE/LBE Advisory Committee. She stated they would attend the Blue Ribbon Task Force meetings. Director Bamba reported that the main concern of the small businesses was that departments are not utilizing the Minority Certification Directory as much as they should. She stated the small businesses hoped the departments would consider breaking down the contracts for the minority and women businesses. Director Bamba advised that she informed them that this was something the committee would be working on in terms of insuring that departments break down the contracts into smaller units. In closing, Director Bamba noted that the discussion was positive.

Commissioner Littleton commented regarding the Small Business Administration program and how it correlates. Commissioner Littleton noted that the SBA certification requirements are very strict and ten times more challenging than the HRC requirements. She continued adding that she was glad there was representation on the part of the HRC. Commissioner Littleton stated that it was good to know that a State alternative is available for those who find the Federal process laborious.

Commissioner Jaicks raised a question regarding the progress of Kevin Williams at the Airport, and his ability to get to and from different parts of the construction site. Director Bamba advised that a meeting had been scheduled and several Commissioners were invited.

Vice Chair Ghada Saliba-Malouf suggested placing the issue on the calendar for the next Commission meeting under the Director's Report.

COMMITTEE REPORTS

LESBIAN GAY BISEXUAL TRANSGENDER ADVISORY COMMITTEE

Mr. Larry Brinkin, HRC staff person provided a brief report on the meeting held on March 21st. He stated that the main items discussed were the committee's continuing look at racism in the LGBT community. Mr. Brinkin advised that a mini-day of an observation of racism in the community, which would include the committee only, would precede a day of observation for the whole community that would be sponsored in the near future. He stated that the mini-day of observation was held on March 19th and discussed at the March 21st meeting.

Mr. Brinkin reported that recruitment efforts are continuing and the committee agreed to recommend four individuals for Appointment to the committee. Mr. Brinkin announced that the appointees are Ted Guggenheim, Jason Alley, Carlota Malit, and Gary Virginia.

In closing, Mr. Brinkin stated that the committee is working on planning the public hearing that the Commission will be holding on May 11th to look at economic issues in the LGBT communities. He advised that expert speakers were being sought who will talk about housing, employment, healthcare, and other issues in the community.

Commissioner Dimapilis commented that she attended a meeting on March 22nd at the Health Advocate and noted that the School District is celebrating Gay Pride Month in April.

Vice Chair Ghada Saliba-Malouf noted that there would be no quorum after 5:45 p.m., therefore she suggested that several issues be tabled until further notice.

Commissioner Dimapilis announced that the Blue Ribbon Task Force would host an open forum on Wednesday, March 29th at City Hall, Room 263 at 4:00 p.m., and also on Saturday, April 8th, City Hall, Room 263 at 12:00 p.m.

YOUTH AND EDUCATION COMMITTEE

Commissioner Chey reported that the committee was disappointed about the passage of Proposition 21. She advised that a planning session scheduled for April 20th at the residence of Gail Roberts, a Youth and Education Committee member and former HRC staff person, would be used to come up with some priorities and items to be discussed in the upcoming year. Commissioner Chey reported that recruitment efforts were underway and any candidates should be referred to Diana Rathbone, HRC staff person.

Commissioner Chey reported on the status of the counseling issue at the San Francisco Unified School District. She stated that Ms. Pat Crawford, Chair of the Counseling Committee of the United Educators of San Francisco, and also currently a counselor at Lincoln High School, provided an informative and comprehensive presentation for the committee members who were stunned to see the statistics. Commissioner Chey advised that there are 2,400 pupils at Lincoln High School and only 4 full-time counselors. She stated that the ratio is 500 students to 1 counselor. Commissioner Chey reported that there is a resolution in place at the District to make the ratio better. Commissioner Chey advised that the committee had decided to send a letter urging the School District to look into the matter, and the letter would be available at the next Commission meeting.

EMPLOYMENT COMMITTEE

Commissioner Jaicks reported that the Employment Committee did not meet; however, a Task Force meeting was attended by an aide from Assemblywoman Carole Migden's office. He advised that the meeting related to women trying to gain employment in the elevator industry. Commissioner Jaicks advised that at one point it had been understood that Assemblywoman Migden was interested in State legislation on the issue. Commissioner Jaicks reported that Andrew Martinez, an aide from Assemblywoman Migden's office was very helpful and receptive to the issue. Commissioner Jaicks reported that at the conclusion of the meeting it was decided that the Union would set up an apprenticeship program.

In conclusion, Commissioner Jaicks reported that the Task Force with the help of Pansy Waller, HRC staff person, would request a report from the Purchasing and Real Estate Departments regarding whether current contracts meet the goals of the Commission and Ordinances of the City regarding women and minorities.

MBE/WBE/LBE ADVISORY COMMITTEE

Commissioner Littleton announced that the MBE/WBE/LBE Advisory Committee is recruiting new members. She advised that she would be meeting with Mr. Martin, Director of the Airport, and Executive Director Bamba to discuss Airport issues.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION

There was no public comment regarding the closed session.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(B).

At 5:45 p.m. the Commission went into closed session.

RECONVENE IN OPEN SESSION

At 5:50 p.m. the Commission reconvened in open session.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION

It was moved (Salazar-Hobson) and seconded (Dimapilis) not to disclose any or all discussions held in closed session. Passed (Unanimously)

ADJOURMENT

The meeting was adjourned at 5:51 p.m.

NEXT MEETING

DATE: Thursday, April 13, 2000

TIME: 4:30 P.M.

1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

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Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen Herman
Agar Jaicks
Martha Knutzen
Leslie Littleton
Harry Low
Antonio Salazar-Hobson
Ghada Saliba-Malouf
Alan Watahara

EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meeting s are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.es./ethics.

AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of February 24, 2000 (Action Item)(**)
   b) Approval of minutes of Commission Meeting of March 9, 2000 (Action Item)(**)
   c) Approval of minutes of Commission Meeting of March 23, 2000 (Action Item)(***)

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

a) Individual Commissioners Report on their Activities in the Community (Discussion Items)(*)
b) Resolution commending Commissioner Agair Jaicks for his tireless service to the community through the Human Rights Commission.(***)

6. REPORT OF THE DIRECTOR

a) Letter of support to Herb Castille, Program Executive at San Francisco Foundation (Action Item)(***)

7. COMMITTEE REPORTS

a) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co Chair
Commissioner Stephen Herman, Co Chair
Commissioner Agar Jaicks, Member
Larry Brinkin, Committee Staff

1. No Report.

NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will Be held on Tuesday, April 18, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b) Employment Committee
Commissioner Agar Jaicks, Chair
Pansy Waller, Committee Staff

1. Report of the April 6 Committee Meeting (Discussion Item)(*)

NOTE:
The next meeting of the Employment Committee will Be held on Thursday, May 4, 2000 at 12:00 noon at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

c) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Commissioner Agar Jaicks, Member
Emil DeGuzman, Committee Staff

1. Report of the March 6 Committee Meeting (Discussion Item)(*)
2. Report of the April 3 Committee Meeting (Discussion Item)(*)

NOTE:
The next meeting of the Issues Committee will
Be held on May 1, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

d) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Leslie Littleton, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Report of the March 15 Committee Meeting (Discussion Item)(*)

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will
Be held on Wednesday, April 19, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

e) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. Letter to Ms. Linda Davis, Acting Superintendent of the San Francisco Unified School District, supporting increased funding on a permanent basis for additional school counselors.(***)

NOTE:
The next meeting of the Youth and Education Committee will
Be held on Thursday, May 18, 2000 at 4:00 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

8. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, APRIL 27, 2000

A:\agenda 04/13/00

LEGEND:	(*)	=	Oral Report No Attachment
	(**)	=	Attachment Provided
	(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

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MINUTES OF THE COMMISSION MEETING OF APRIL 13, 2000

Commission Chair Harry Low called the meeting to order at 4:30 p.m.

ROLL CALL

Commissioners

Present: Harry Low, Chair; Ghada Saliba-Malouf, Vice Chair; Youn Chey; Shirley Dimapilis; Stephen Herman; Agar Jaicks; Martha Knutzen; Leslie Littleton; and Alan Watahara

Excused: Julia Globus-Sabori and Antonio Salazar-Hobson

HRC Staff

Present: Larry Brinkin; Virginia Harmon; Diana Rathbone; Carla Vaughn; and Pansy Waller

Guests:

Present: Susan Frankel, Deputy City Attorney; Jimmie Potts, AM Cain Trucking; Renee' Muckeroy; Paul Elizondo, Attorney; and Jonnie Robinson, Mayor's Office

APPROVAL OF MINUTES

The minutes of the March 23, 2000 Commission Meeting were approved.

GENERAL COMMUNICATIONS

The General Communication file was circulated.

PUBLIC COMMENTS

PAUL ELIZONDO

Paul Elizondo, an attorney representing the Hispanic Contractors Association, commented on the issue of the HRC's general mandate. Mr. Elizondo stated that the 12D Ordinance embodied the principles and values of the people of San Francisco. He noted that he attended Hastings College of Law with Mara Rosales, Deputy City Attorney located at the Airport. Mr. Elizondo stated that Ms. Rosales was a staunch defender of the Ordinance. He continued stating that the Ordinance seeks to provide just and fair access to small business people, women and minorities, who are the rightful and intended beneficiaries of the Ordinance. Mr. Elizondo stated that the Ordinance should not and can not be used as an instrument of rewards and punishment that have political motivation. He continued stating that the HRC staff should act to guard and preserve the community mandate and values that are the foundation of the 12D Ordinance. Mr. Elizondo noted that in recent years serious issues have arisen where the community mandate has been thwarted and policy adoption procedures of the HRC have not been followed. Mr. Elizondo provided an example stating that he had served on the MWBE Trucking Advisory Committee under Comer Marshall, former Chair of the HRC, and an exhaustive study was done. He continued stating that in a legal capacity he represented the East Bay Truckers Coop, which is regional and includes San Francisco. Mr. Elizondo stated that Ed Lee, former Director of the HRC, asked him to consult with him about the problem nearly nine years ago and he has been involved with trucking issues, which are complicated. He continued stating that a Task Force was created and a recommendation was adopted, which set forth a size standard similar to the Federal standard. Mr. Elizondo stated that the sub-committee under Comer Marshall passed the recommendation. He stated that Deputy City Attorney Frankel and Executive Director Bamba were present at the meeting. Mr. Elizondo stated that the recommendation went no further, and was never presented to the Commission or the Board of Supervisors. Mr. Elizondo stated that policies are not being carried out fairly and consistently, and people that are legitimately entitled are not being given a chance to participate. He recommended insuring that the policies are fairly applied and clarified by the HRC, also he suggested adequate resources be allocated to the HRC for training and hiring of staff who are experts and have some familiarity in trucking and construction management. For his final point, Mr. Elizondo asked that Chair Low place the item on the agenda.

Chair Low stated that the request of Mr. Elizondo would be taken under advisement and he assured Mr. Elizondo that the Blue Ribbon Task Force was studying the issue carefully. Chair Low advised that the complaints of truckers regarding the process had been noted and were being looked into. He stated that the Task Force would have some recommendations and some Commissioners had attended the Task Force meetings and heard remarks from the public, which were very helpful. Chair Low stated that on the other hand there was no desire to duplicate what the Task Force is doing. He added that eventually the Task Force would provide a series of recommendations and the Commission may comment on the issues at that time.

Mr. Elizondo stated that there were two instances in which people represented by him had been denied certification or re-certification. He noted that their requests to have the matter heard by the Commission had been ignored by the Executive Director and the City Attorney.

Commissioner Knutzen asked if it was appropriate to place the issue on the agenda for a future Director's report.

Commissioner Jaicks had a question regarding a memorandum from the MWBE sub-committee adopting the Trucking Task Force $17,000,000 size standard. Mr. Elizondo stated the memo was forwarded a month before the revisions to the 12D Ordinance, approximately around November 1998. He advised he would make copies available to the Commissioners.

REPORT OF THE CHAIR

UPDATE REGARDING THE BLUE RIBBON TASK FORCE

Chair Low provided a summary of the two public hearings and noted that several Commissioners attended the Wednesday, April 5th session along with approximately 100 people, and 50 attended the following meeting. He stated that a good cross section of people spoke with similar complaints that need to be addressed. Chair Low advised that the Blue Ribbon Task Force was moving forward and would have one more public session. He stated the Task Force was on target to complete the study by June 2000 and implementation should begin in the early summer of this year. Chair Low reported that after careful review a decision would be made as to what could or could not be implemented. He noted that the HRC staff and Commission members feel that the role of the Human Rights Commission is vital to the continuation of 12D. Chair Low advised that although there is some review of possible removal of some of the process to another agency, creating an agency or possibly an independent non-public body, these are just considerations. Chair Low stated that there was no desire to create a whole new agency, or remove too much of the powers from the Human Rights Commission. He stated that unfortunately the Supreme Court in ruling on 209 might have a greater impact than the Task Force.

COMMENTS REGARDING COMMISSIONER AGAIR JAICKS

Chair Low stated that he has known Commissioner Agar Jaicks for approximately 40 years. He noted that they had grown up together in the political end of San Francisco and have been accused of being little spokes in the Phil Burton machinery. Chair Low stated that Phil Burton was fond of gathering people periodically at his townhouse and although Mr. Burton did most of the talking he occasionally asked for their point of view and then talked over it. Chair Low stated that it was an interesting experience and he knew Commissioner Jaicks and had worked with him in the fields. He noted that for every election they were on the same side and that was why he felt strongly about getting Commissioner Jaicks elected as Supervisor.

Chair Low commented that Commissioner Jaicks was more than just a community person, and that he along with his wife, Diana Jaicks, was committed to public service and tried to improve the community in which they lived. Chair Low stated that Diana Jaicks was a very important member of the San Francisco community and still is in many ways.

Chair Low noted that Commissioner Jaicks has worked through every campaign that comes through San Francisco along with many other good deeds. He stated that the role of Commissioner Jaicks at KGO before he retired was very important, as he served as the voice of the community at KGO. Regarding the work of Commissioner Jaicks at the Human Rights Commission Chair Low advised that a Resolution had been drafted. He noted the Resolution did not do the Commissioner justice, as he had done so much for the Human Rights Commission. He stated that Commissioner Jaicks had spent a lot of time working for the Commission and served in almost every role the Commission asked him to take, volunteering even more of his time and resources to help the Human Rights Commission. Chair Low applauded Commissioner Jaicks for undertaking the role of Supervisor of the City and County of San Francisco, which he noted was a difficult and challenging task. Chair Low stated that his hope was that Commissioner Jaicks would win by a great big margin. Chair Low advised that a Resolution had been drafted commending Commissioner Jaicks for his many years of service not only to the Commission, but to the entire City of San Francisco. Chair Low acknowledged Commissioner Herman for his help in drafting the Resolution and asked that he summarize the Resolution. Commissioner Herman suggested each Commissioner read a portion of the Resolution.

Commissioners

Watahara: **Whereas,** Agar Jaicks was appointed by Mayor Willie Brown to the Human Rights Commission in 1996; and

Herman: **Whereas,** Agar Jaicks has served with distinction as a Commissioner for four years; and

Chey: **Whereas,** Agar Jaicks voluntarily served as a Commissioner member on four of the Commission's citizen advisory committees: Youth and Education Committee, Employment Committee, Lesbian Gay Bisexual Transgender Advisory Committee, and Issues Committee; and

Saliba-Malouf: **Whereas,** Agar Jaicks served on the Commission's Religious Service Providers Task force, contributing leadership and wisdom in responding to difficult and controversial issues; and

Low: **Whereas,** Agar Jaicks has made an enormous contribution both to the Commission's and to San Francisco's efforts to extend and protect the civil rights of all people, and to combat the multitude of attacks on affirmative action; and

Knutzen:	**Whereas,** Agar Jaicks is an elected member of the Democratic National Committee and its Executive Committee, having served as president of the Democratic County Central Committee for 16 years, and is a national voice in the civil rights movements; and
Dimapilis:	**Whereas,** Agar Jaicks has resigned from the Human Rights Commission effective April 13, 2000;
Larry Brinkin(staff):	**Now, Therefore, Be It Resolved,** that the San Francisco Human Rights Commissioners and staff extend to Agar Jaicks our admiration for his extraordinary efforts in the civil rights arena, our appreciation for his hard work and friendship, and our best wishes for his future endeavors.

INDIVIDUAL COMMENTS COMMENDING AGAR JAICKS FOR HIS SERVICE TO THE COMMUNITY THROUGH THE HUMAN RIGHTS COMMISSION

COMMISSIONER WATAHARA

Commissioner Watahara stated that it was difficult to say goodbye so he would not say it. He noted there has rarely been an opportunity where he had such a short tenure with someone, and yet felt that he had the opportunity to know someone as well as he knew Commissioner Jaicks. Commissioner Watahara stated that it was in part because of the long history of Commissioner Jaicks as well as his warmth. He continued stating that Commissioner Jaicks was one of the few people that immediately made an effort to get to know him as an individual. Commissioner Watahara commended Commissioner Jaicks for discussing issues with grace and great passion, and added that he respected him for that. In closing, he stated that he would miss the opportunity of working with Commissioner Jaicks, but looked forward to seeing him in other great positions.

COMMISSIONER HERMAN

Commissioner Herman had comments similar to Commissioner Watahara, adding that it had been short but sweet. He noted that he had not always agreed with Commissioner Jaicks or come from the same perspective, but he stated that there had been a very cordial, open discussion, and ultimately a meeting of minds on a lot of issues. Commissioner Herman stated that he really appreciated Commissioner Jaicks' role on the Lesbian Gay Bisexual Transgender Advisory Committee. He continued noting that the members of the committee felt that he was one of their own in terms of his perspective, understanding, and depth of feeling for the issues addressed by that community. In closing, Commissioner Herman stated that the role of Commissioner Jaicks with the Diana Jaicks Anti-Racism Task Force as well was very important to that committee. He thanked Commissioner Jaicks and wished him well.

COMMISSIONER CHEY

Commissioner Chey commended Commissioner Jaicks and stated that he was a great role model for all of the Commissioners. She added that it was an honor to have served on the Commission with him.

Commissioner Chey noted the work of Commissioner Jaicks on the Youth and Education Committee and how he showed great concern for the welfare of the youth in the City. In closing, she noted she was sure she would come before him again with issues when he became Supervisor.

COMMISSIONER SALIBA-MALOUF

Commissioner Saliba-Malouf stated that she had the pleasure of knowing Commissioner Jaicks for four years when they became members of the Commission. She continued stating that getting to know him and becoming friends with him was one of the greatest experiences she had while serving on the Commission. Commissioner Saliba-Malouf noted that not only had Commissioner Jaicks been a political mentor, but also a personal friend. She commended him for conducting himself as a Commissioner with so much grace, devotion, and compassion. Commissioner Saliba-Malouf continued stating that Commissioner Jaicks always lent an ear and a voice to everyone that came before the Commission. She stated that she was glad they were able to serve on a couple of committees together, and spend time strategizing, talking on the phone, and having lunch talking about City and Commission business. In closing, she wished him good luck and stated that it was such a pleasure to have worked with Commissioner Jaicks, and she hoped they would continue to be friends and work together again in the future.

COMMISSIONER KNUTZEN

Commissioner Knutzen stated that it was a privilege to spend time with Commissioner Jaicks. She noted when she was appointed Chair, and had to figure out who would be on what committees, she was left with this straight white man and she had to ask him to co-chair the Lesbian Gay Bisexual Transgender Advisory Committee. Commissioner Knutzen continued stating that she wanted to invite him to the committee and get to know him because she had heard about his work for so many years and really respected him as a Democratic Party activist. Echoing Commissioner Herman, she stated that the way he approached the issues provided such a role model for others to understand the issues of the LGBT community. Commissioner Knutzen added that she was still learning about some of the issues and she noted that everyone is breaking new ground. In closing, she thanked Commissioner Jaicks and noted that he was a role model for everyone's future. She added that there were many people running in Commissioner Jaicks' district; however she advised them not to underestimate Commissioner Jaicks, and wished him luck.

COMMISSIONER DIMAPILIS

Commissioner Dimapilis thanked Commissioner Jaicks for his work and stated that it had been a privilege to serve on the Commission with him. She stated that he had many friends in her community and she cherished the thought of being among friends and working with him again in the future.

COMMISSIONER JAICKS

Commissioner Jaicks stated that he was overwhelmed and not underestimating the other political sources and candidates. Commissioner Jaicks stated that he would really miss everyone, even Ghada. He stated that serving on the Commission was one of his most rewarding political experiences. Commissioner Jaicks stated that once he teased the Mayor at a breakfast referring to himself as the only straight, white, Anglo-Saxon, and Protestant male in his administration. The Mayor replied jokingly, "I didn't know we had any". Commissioner Jaicks stated that he felt like a part of a dying breed, or endangered species. He noted that part of the reason he was running for the Board of Supervisors was because there had not been a straight WASP male since Jack Morrison in 1971, and he wished to even the score. Commissioner Jaicks stated that he was touched by the comments of the Commissioners and would miss facing some of the problems that would be faced within the next couple of months. Commissioner Jaicks added that he hoped the new Director would have some of the skills that all of them hoped he or she would have. He acknowledged the problems recently brought before the Commission regarding Affirmative Action and how the program will evolve. In closing, he stated that it was a very exciting time and would prove to be a rewarding experience and he would miss being a part of it. However, he noted that we all move on and he felt that running for the Board of Supervisors was something that he had to do. Commissioner Jaicks stated that he was looking forward to the campaign and had begun to set up a viable structure. He added that he had begun to attend the community meetings and was looking forward to the debates with his fellow candidates. Commissioner Jaicks advised that he intended to win and was looking forward to the experience. In closing, he noted that he would return to the podium to tell the Commission what he thought and he thanked the Commission for an extraordinary experience.

COMMISSIONER LITTLETON

Commissioner Littleton stated that as one of the newest Commissioners she had such a short period of time to work with Commissioner Jaicks, however that time was absolutely enjoyable. She noted that he was a wonderful and caring person who would take those attributes on to his new position. Commissioner Littleton added that she knew he would express his concerns throughout the campaign and would give attention to all of the issues as he had while a member of the Commission. In closing, she stated that she hoped her tenure as a Commission member would be remembered as distinguishably as his, and she thanked him for his guidance.

The resolution was moved (Herman), seconded (Dimapilis).

LARRY BRINKIN

Mr. Brinkin stated that he was very upset that Commissioner Jaicks was leaving and noted that he had been a wonderful Commissioner. He stated that the efforts of Commissioner Jaicks were appreciated. Mr. Brinkin commented on having worked with Commissioner Jaicks on several committees and task forces. He advised that one of the first ones was early in his term when they served together on the Religious Service Providers Task Force, which was difficult and controversial. Mr. Brinkin reported there was a lot of arguing and a lot of passion.

He continued, stating that not all of the issues related to gay issues but many of them did. Mr. Brinkin noted that there were many gay people in the room during those passionate discussions and no one had a stronger voice in the room than Agar Jaicks, regarding gay rights, and insisting they do the right thing regarding religious institutions. Mr. Brinkin stated that he was so astounded and impressed that he has never forgotten it. He commented on the love and respect that all the members of the LGBT Advisory Committee felt for Agar Jaicks and noted how sad they were when he could no longer serve on the committee. In closing, Mr. Brinkin thanked Commissioner Jaicks and advised him that he did live in his district and was looking forward to receiving campaign material in the mail.

DON HESSE

Don Hesse, a former HRC staff person for the Issues Committee commented that none of the former Commissioners surpassed Commissioner Jaicks in their commitment to the issues and to the rights of all the people that were represented by the matters that came before that committee. He thanked Commissioner Jaicks and told him that it was always an inspiration to him, and would continue to be so. Mr. Hesse noted that Commissioner Jaicks may have been the only straight WASP in the administration, but it was for a very special reason, because when Lou Calabro and the European American Issues Forum came to the Issues Committee and sat across from Commissioners Jaicks and Salazar-Hobson and said, "Who, who on this commission represents White people, who does it?", and Commissioner Jaicks said, "Well, I guess I do though frankly sometimes I'm ashamed to say so." Don Hesse noted that Lou Calabro for once in his life was speechless. Mr. Hesse added that he was grateful for that moment which unfortunately was not recorded on tape, but none the less it did happen and he thanked Commissioner Jaicks and stated that he looked forward to working under Commissioner Jaicks at the Board of Supervisors.

Commissioner Jaicks thanked Don Hesse and noted that he had enjoyed working with him.

DIANA RATHBONE

Diana Rathbone, HRC staff person commented that she was happy to be able to say goodbye to Commissioner Jaicks. She noted that everyone on the staff of the HRC would miss Commissioner Jaicks hugely. Ms. Rathbone stated that she had an opportunity to work with Commissioner Jaicks on the Youth and Education Committee, and was left with a legacy of the Youth Violence Report. She stated that Commissioner Jaicks was instrumental in getting the report adopted. Ms. Rathbone added that with the recent passage of Proposition 21 the report could not have been more timely, and was in fact ahead of its time. Ms. Rathbone noted that people working in civil rights for a long period of time experience a huge emotional and intellectual challenge that goes on from day to day, often in adversarial and difficult situations. She continued stating that she knew many people who have been burnt out and have left and moved on to other things over the years. Ms. Rathbone closed by stating that above everything else it was the example of Commissioner Jaicks' continued energy, commitment, passion, and grace that moved her the most and she thanked him for that.

Commissioner Jaicks thanked Diana Rathbone, HRC staff person. The motion to approve the resolution was voted on and passed. (Unanimously)

Chair Low wished Commissioner Jaicks good luck.

INDIVIDUAL COMMISSIONERS REPORT ON THEIR ACTIVITIES IN THE COMMUNITY

COMMISSIONER LITTLETON

Commissioner Littleton reported that she attended a couple of community events. She stated that at one event a group comprised of journalists and Captains of different Police Departments in California met to discuss the legislative issue of "Driving While Black & Brown" and the racial profiling issue. Commissioner Littleton stated that it was great to be there to hear some of the discussion and concerns. She noted the importance of knowing what some of the various departments are doing to collect data, and how well it is being received in some places, and not so well in others. Commissioner Littleton advised that she has asked the Chief of the San Francisco Police Department to provide a report to the Commission at some point.

Commissioner Littleton reported that the second event she attended was in regard to the Affirmative Action Task Force. She stated that it was great to hear testimony and both events were well attended. Commissioner Littleton commented that many people from the community reported that their business, personal lives, and community have benefited from programs such as the MBE/WBE program. In closing, she stated that she felt confident that these town hall meetings would greatly assist the task force in making the best decisions for the program.

COMMISSIONER DIMAPILIS

Commissioner Dimapilis apologized for being late and reported that she attended the Affirmative Action Task Force event with Commissioner Littleton. She added that she was proud to see so many members of the community and the MBE Advisory Committee giving positive input on ways to strengthen the Ordinance. Commissioner Dimapilis reported that the event presented a forum for Mr. Potts, a minority trucker, to be able to share with the committee different ideas he has with regard to the Ordinance.

REPORT OF THE DIRECTOR

LETTER OF SUPPORT TO HERB CASTILLO

Larry Brinkin, HRC staff person announced that he was filling in for Veronica Ng, Acting Director. He advised the Commission that the letter of support to Herb Castillo, Program Executive at the San Francisco Foundation had been assigned to Emil DeGuzman, HRC staff person. He reported that there had not been sufficient time for research, and therefore the letter would be provided at the next Commission meeting.

Commissioner Chey noted that the census campaign would end soon, therefore the matter was time sensitive. Mr. Brinkin advised that the letter would be completed in a timely manner. Mr. Brinkin asked that whatever the Commissioners could do to help bring staff a new Director quickly would be appreciated.

Chair Low advised that Veronica Ng was not enthusiastic about continuing on as Acting Director. He noted that he had spoken with her and encouraged her to look at it carefully, and she had done a fine job resolving some litigation matters and took action on some critical pending issues. Chair Low stated that Ms. Ng was quite capable should she choose to stay on the job; however, he noted that she did not want to stay on and he understood that Virginia Harmon was a possible candidate. He commented that the Mayor's Office felt that she would be capable and it was a likely possibility, but he had not officially heard what could be done to get a permanent Acting Director. Chair Low stated that part of the question was in regard to the power of the Commission. He noted that he had asked the City Attorney to assist in helping to define the role of the Commission. Chair Low stated that the City Attorney had requested a copy of what the Executive Director wrote to the Commission regarding the effective date of her resignation. Chair Low advised there was no communication of that type provided to him. He stated that as long as Ms. Bamba was the Executive Director she had the power to name an Acting Director. Chair Low advised that he did not know what would happen after April and these issues were still pending. He reported that he had offered to be of assistance to the Mayor's Office and a broad search was being conducted for a permanent Director, and it may take some time. Chair Low stated that the Task Force felt strongly that there should be certain criteria, responsibilities, independence, and all the other things that are important to have a good Executive Director, including management and people skills. He continued stating interest in the objectives, ability to lead, make good judgements, in essence a very talented multi-capable type of individual. Chair Low commented that everyone knows that whatever the Task Force recommends will be the best practices, and the most efficient fair way of carrying out the goals of 12D. He continued stating all the goals of the Human Rights Commission were greatly affected by the Executive Director, so obviously there is a great deal of interest in trying to make the role of the Task Force a little easier. Chair Low stated that the final report would have some strong statements regarding the role of the Executive Director, but at this time there was a little uncertainty and he invited Mr. Brinkin to elaborate.

Mr. Brinkin commented that he appreciated the comments of Chair Low and that staff depended on the Executive Director for leadership. Mr. Brinkin thanked Chair Low for his help.

Commissioner Knutzen asked for clarification regarding the resignation of Ms. Bamba, and Chair Low advised that he had not seen anything in writing.

Several Commissioners advised that they had received a letter at the previous meeting and Commissioner Herman requested a copy be provided.

Commissioner Knutzen acknowledged the designation of an Acting Director by Ms. Bamba and wondered if at the time of her resignation the Commissioners would have sanction to appoint an Acting Director.

Chair Low stated that he had requested clarification from the City Attorney. Commissioner Knutzen requested the item be placed on the agenda for the following meeting and a report be provided by the City Attorney, either oral or written regarding the jurisdiction of the Commission in this matter.

Larry Brinkin, HRC staff person, provided a semantic clarification stating that in the past an Acting Director is someone named by the Executive Director while he or she is still on the payroll. He advised that once the Executive Director is no longer on the payroll the next temporary Director would be an Interim Director, rather than Acting.

Virginia Harmon, HRC staff person reported that she received a call from Vickie Bamba to appear in her office and she indicated that she would be designating Ms. Harmon as the Acting Director effective April 14.

Susan Frankel, Deputy City Attorney requested a copy of the letter from Ms. Bamba and Commissioner Littleton advised that she would provide a copy to the City Attorney and the other Commissioners.

Commissioner Jaicks advised that he had received correspondence regarding the appeal of Mr. Green. Chair Low advised that he had asked Susan Frankel to review Justice Peterson's letter and provide advice regarding the appeal process, which would be revisited. Chair Low stated that until the Task Force recommendations are made and implemented that goal of the Commission should be to make the appeal process work and to simplify it.

Commissioner Herman stated that he appreciated the comments of Justice Peterson and Commissioner Jaicks commented that he hoped the issue would not be dropped because a lot of time had been put into the issue. He stated that it seemed strange that this impasse had been reached.

Commissioner Jaicks had questions regarding P. J. Johnston, Executive Director of the Film Commission and stated that he had spoken with Director Bamba several times regarding the role that agency plays in the Affirmative Action programs of the City. He noted that he had taken precautions to make sure the discussions were Director to Director so there would be no public squabble. Commissioner Jaicks stated that this was the third meeting in which there has been no report and he hoped the issue would be pursued.

Larry Brinkin asked if Commissioner Jaicks was recommending that the Acting Director seek a meeting with Mr. Johnston. Commissioner Jaicks stated that he was making that recommendation.

COMMITTEE REPORTS

EMPLOYMENT COMMITTEE

Commissioner Jaicks reported that the last meeting revolved around the elevator companies and the unions that are part and parcel of the elevator operation. He stated that the women that came before the committee seeking relief from their grievances have struggled and continue to struggle with the most lucrative and permanent aspects of working for the elevator operation, which is the maintenance program. Commissioner Jaicks reported that the committee could seek relief from some of the other agencies of the City that actually do business with the elevator companies on City property. He stated that information was needed as to how many people of color and women are actually involved in those contracts with the City elevator maintenance people. Commissioner Jaicks reported that when Pansy Waller, HRC staff person, sought information she was told that statistics were not kept because contracts with the elevator companies were not considered new. Commissioner Jaicks requested that the Acting Director check with some of the other agencies regarding this matter.

Larry Brinkin had a question regarding the types of agencies that should be contacted. Commissioner Jaicks advised it would be all city departments.

ISSUES COMMITTEE

Commissioner Jaicks reported on a presentation provided by Joe Wilson of Coleman Advocates. He stated that the presentation indicated that police officers decide whether juveniles are sent directly to juvenile hall or the CARAC program, which was created by the Mayor. Commissioner Jaicks reported that there was concern that it was not being implemented accurately. He advised that a letter had been drafted to alert the Mayor.

Emil DeGuzman, HRC staff person commented on the presentation and Commissioner Jaicks advised that Mr. DeGuzman would proceed with another meeting to hear all sides and a report would be provided to the Commission.

MBE/WBE/LBE ADVISORY COMMITTEE

Commissioner Dimapilis reported Linda Yeung of the Blue Ribbon Task Force provided a report to the Advisory Committee and was working closely with them.

Commissioner Littleton commented regarding attending the Affirmative Action Task Force meeting stating that she spoke with several community members who voiced their concerns and frustrations and invited them to attend the MBE/WBE/LBE Advisory Committee meetings to voice their concerns. She invited the Commissioners to direct members of their communities with similar concerns to the MBE/WBE/LBE Advisory Committee meetings in an effort to address their concerns.

Maria Cordero, HRC staff person noted that she was the Commission secretary when Commissioner Jaicks joined the Commission. She stated that she was sad that he was leaving and she remembered when he joined the Commission people said the Commission was so lucky to have him accept the position.

Ms. Cordero commented that the City of San Francisco was equally lucky. Regarding the MBE/WBE/LBE Advisory Committee, Ms. Cordero stated that new members were actively being pursued and the next meeting would be Wednesday the 19th of April.

YOUTH AND EDUCATION COMMITTEE

Commissioner Chey presented a draft letter to Linda Davis, Acting Superintendent of the San Francisco Unified School District supporting increased funding on a permanent basis for additional school counselors.

Commissioner Herman requested the letter be sent on the letterhead containing the names of the Commissioners. It was moved (Chey), seconded (Herman), and passed. (Unanimously).

Commissioner Chey advised that a planning session had been scheduled for April; however, due to an emergency trip to Washington D.C. the session would be held in May. Commissioner Chey stated that although there was a Vice-Chair she was not available to attend every meeting and the committee was experiencing difficulty running the meeting. She requested help from the Commission Chair regarding this matter.

Chair Low stated that he would appreciate her recommendation and Commissioner Chey announced that she would be happy if Commissioner Herman, who is involved in the field of education, would join the committee.

Commissioner Herman advised that he would love to join the committee; however he was serving on another committee that is equally important, therefore it would be difficult for him to take on another committee. Commissioner Herman suggested that Chair Low review this issue. Chair Low advised that he would look into the matter.

Commissioner Knutzen reminded the Commissioners that May 11th would be the public hearing regarding economic empowerment in the LGBT community. She noted that the meeting would last longer than the usual business meeting and stated that she hoped the Commissioners would commit to attend.

Chair Low advised that he would be in Japan that week and designated Commissioner Knutzen to Chair that meeting.

Chair Low returned to the approval of the minutes. It was moved (Chey), seconded (Dimapilis), and passed to accept the minutes of the February 24th and March 9th Commission Meetings. (Unanimously)

PUBLIC COMMENT

There was no public comment.

Chair Low reported that Larry Lee of the Plumbers Union would be the new Commissioner and former Executive Director Bamba was appointed to the Small Business Commission.

ADJOURMENT

The meeting was adjourned at approximately 7:05 p.m.

NEXT MEETING

DATE: Thursday, April 27, 2000

TIME: 4:30 P.M.

1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Marivic Bamba
Executive Director

By: Carla Vaughn
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

Agenda

THURSDAY, APRIL 27, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

Fax: 4/25/00
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ROSTER OF COMMISSIONERS

Youn-Cha Shin Chey	Leslie Littleton
Shirley Dimapilis	Harry Low
Julia Globus-Sabori	Antonio Salazar-Hobson
Stephen Herman	Ghada Saliba-Malouf
Martha Knutzen	Alan Watahara
Larry Lee	

EXECUTIVE DIRECTOR
Marivic S. Bamba

COMMISSION SECRETARY
Carla Vaughn
252-2538

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

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AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of March 23, 2000 (Action Item)(***)
   b) Approval of minutes of Commission Meeting of April 13, 2000 (Action Item)(**)

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

a) Vote on Recommendation to the Mayor regarding appointment of Virginia Harmon as Interim Director (Action Item)
b) Individual Commissioners Report on their Activities in the Community (Discussion Items)(*)

6. REPORT OF THE DIRECTOR

a) Approval of Letter of Support for Herb Castillo, Program Executive Of the San Francisco Foundation

7. COMMITTEE REPORTS

a) Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Cc Chair
Commissioner Stephen Herman, Co Chair
Larry Brinkin, Committee Staff

1. Report of the Committee Meeting of April 18th
   - Planning for May 11th public hearing on economic empowerment in the LGBT Community (Discussion Item)
2. Approval of Appointments of Marcus Arana, Dominique Leslie, and Lisa Middleton to the Transgender Civil Rights Implementation Task Force (Action Item)

NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will Be held on Tuesday, May 16, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Leslie Littleton, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Report of the April 19 Committee Meeting (Discussion Item)(*)

NOTE:
The next meeting of the MBE/WBE/LBE Advisory Committee will Be held on Wednesday, May 17, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102

c) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Emil DeGuzman, Committee Staff

1. No Report.

NOTE:
The next meeting of the Issues Committee will
Be held on May 1, 2000 at 5:30 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA. 94102

d) Employment Committee
(Vacant), Chair
Pansy Waller, Committee Staff

1. No Report.

NOTE:
The next meeting of the Employment Committee will
Be held on Thursday, May 4, 2000 at 12:00 noon at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

e) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Commissioner Julia Globus-Sabori, Co-Chair
Diana Rathbone, Committee Staff

1. No Report.

NOTE:
The next meeting of the Youth and Education Committee will
Be held on Thursday, May 18, 2000 at 4:00 p.m. at the
Human Rights Commission offices, 25 Van Ness Avenue,
Eighth Floor Conference Room, San Francisco, CA 94102

8. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, MAY 11, 2000

A:\agenda 04/27/00

LEGEND: (*) = Oral Report No Attachment
(**) = Attachment Provided
(***) = To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Marivic S. Bamba
Executive Director

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REGULAR MEETING

THURSDAY, MAY 11, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

ROSTER OF COMMISSIONERS

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Stephen Herman
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Larry Lee
Leslie Littleton
Harry Low
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Alan Watahara

ACTING EXECUTIVE DIRECTOR
Virginia M. Harmon

COMMISSION SECRETARY
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AGENDA

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. PUBLIC COMMENT

3. PUBLIC HEARING ON ECONOMIC EMPOWERMENT IN THE LESBIAN BISEXUAL GAY TRANSGENDER COMMUNITIES

   4:30 P.M. – 8:30 P.M.

4. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated.

NEXT MEETING: THURSDAY, MAY 25, 2000

A:\agenda 05/11/00

LEGEND:

(*)	=	Oral Report No Attachment
(**)	=	Attachment Provided
(***)	=	To be distributed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

MINUTES OF THE COMMISSION MEETING MAY 11, 2000

Commission Acting Chair Martha Knutzen called the meeting to order at 4:30 p.m. and welcomed everyone in attendance. Roll call was delayed until a quorum was present (4:45 p.m.). No regular business was conducted at this meeting. Instead, a public hearing was conducted on Economic Empowerment in the Lesbian Gay Bisexual Transgender communities. Commissioners Knutzen and Herman co-facilitated the hearing. A transcript will be available the week of May 22nd, 2000 and a report of the hearing will be adopted by the Commission and made available to the public in the next two to four months. A list of speakers follows this page.

ROLL CALL

Commissioners

Present: Martha Knutzen, Acting Chair; Ghada Saliba-Malouf, Vice Chair; Youn Chey; Shirley Dimapilis; Stephen Herman; Larry Lee; and Alan Watahara (arr. 5:55)

Excused: Harry Low, Chair; Julia Globus-Sabori; Leslie Littleton; and Antonio Salazar-Hobson

HRC Staff

Present: Virginia M. Harmon, Director; Larry Brinkin; Ron Capistrano; Toni Delgado; Bayard Fong; Cynthia Goldstein; Ronald (Kabir) Hypolite; Edward Ilumin; David Treanor; Carla Vaughn; and Tamra Winchester

Guests

Present: Susan Frankel, Deputy City Attorney

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LIST OF SPEAKERS AT PUBLIC HEARING ON ECONOMIC EMPOWERMENT IN THE LESBIAN GAY BISEXUAL TRANSGENDER COMMUNITIES

Introduction
Martha Knutzen – Commissioner – Human Rights Commission - Introduction
Stephen Herman– Commissioner – Human Rights Commission - Welcome
Virginia Harmon – Interim Director – Human Rights Commission

Officials
Stephen Herman – Commissioner HRC – Intro
Angela Calvillo – Representing Supervisor Tom Ammiano
Leslie Katz – Supervisor
Mark Leno – Supervisor
Susan Leal – City Treasurer
Juanita Owens – Board of Education

Overview/Framing the Issue
Kathleen Connell – LGBTAC – EQ
Larry Brinkin – LGBT & HIV Div. Coordinator
Jaye Whitaker
James Green
Norma Garcia – CUAV – LGTB immigration
Brian Davis – Same Sex Marriage
Kate Kendell – NCLR

Employment/Business
James Williamson – LGBTAC
Susan Reynolds – MOCD
Vincent Williams – Tenderloin AIDS Resource Center
Theresa Sparks – TG Work place issues
Veronika Cauley – Low income and sex work
Nicole Shapiro – BACW
Ken Bukowski – Positive Resource Center
Claudia Viek – Renaissance Entrepreneurship Center
Tommy Janes – PWA – Returning to work
Eric Schnabel – Youth Employment Collaborative
Eddie Dobbins Jr. – LGADDA
Esther Lee – CAPE
Selisse Berry – PRIDE Collaborative
Nanette Miller – GGBA
Roger Gross – former GGBA President
Yoseñio Lewis – LGBTAC – National Transgender Advocacy Coalition
Bayard Fong – HRC Staff – Affirmative Action
Don Hesse – 1st Source Hiring
Chamber of Commerce

Housing
Jennifer Rakowski - LGBTAC member
George Smith – Mayor's Office – Shelters
Ed Ilumin – Housing Unit – HRC
Marcy Adelman – Rainbow Adult Community Housing
Sharon Treece - Home Ownership

LIST OF SPEAKERS AT PUBLIC HEARING ON ECONOMIC EMPOWERMENT IN THE LESBIAN GAY BISEXUAL TRANSGENDER COMMUNITIES (Cont'd)

Dean Goodwin – Alice B. Toklas LGBT Demo. Club
Tim Kingston – Eviction
Tommi Avicolli Mecca – Castro Tenants Association
Rev. Jim Mitulski _ Pastor MCC – Homeless shelters
J. J. Argone – Homeless
Michael Cain – Homeless

Education
Commissioner Stephen Herman - Introduction
Harry Britt – Teacher – New College
Jonathan Katz – City College
Michael Job – Gay Teacher

Health
Dr. Dan Karasic – LGBTAC member
Dr. Jorge Partida– Psychiatrist
Mily Trabing – LCSW – SFGH
Dr. Lori Koehler– TG Health Issues
Lisa Middleton - TG Insurance Coverage
Luanna Rodgers– TG Therapy
Carlota Malit – TGBTAC Member –
Shane Snowden – LBT Womens Health Issues
Terry Person - CUAV
Dr. Lisa Chamberlain – High Risk Teens/Mobile Health Vans
Kristen Clements– DPH – TG Health Study

Spiritual/Cultural
Gary Virginia - LGBTAC member
Rev. Jim Mitulski – MCC
Rick Crane – Jewish Faith
Stephen C. Schwichow – Buddhist Faith

Public Comment
Camille Moran – Suggesting a Transgender Memorial Window at new LGBT headquarters
Mr. Jones – Homelessness in San Francisco

ADJOURMENT

The meeting adjourned at 9:38 p.m.

NEXT MEETING

DATE: Thursday, May 25, 2000

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Interim Director

By: Toni A. Delgado
Commission Secretary

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

SPECIAL NOTICE

THURSDAY, MAY 25, 2000

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

NOTICE OF POSSIBLE ACTION TO AMEND RULES AND REGULATIONS

Please take notice that the Human Rights Commission may take action at the next regularly-scheduled meeting on May 25, 2000, at 4:30 p.m. in City Hall room 416, to amend the Rules and Regulations governing the Minority/Woman/Local Business utilization Ordinance (Chapter 12D.a of the San Francisco Administrative Code.)

A complete agenda will follow pursuant to Section 67.7 of the San Francisco Administrative Code.

NOTE: QUESTIONS MAY BE DIRECTED TO COMMISSION SECRETARY
Toni Delgado
(415) 252-2502

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

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Virginia M. Harmon
Interim Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

REGULAR MEETING

DATE: Thursday, May 25, 2000
TIME: 4:30 pm
LOCATION: City Hall, Room 416
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

ROSTER OF COMMISSIONERS

Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen Herman
Martha Knutzen
Larry Lee
Leslie Littleton
Harry Low
Antonio Salazar-Hobson
Ghada Saliba-Malouf
Alan Watahara

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Virginia M. Harmon

COMMISSION SECRETARY
Toni A. Delgado, 252-2502

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

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AGENDA

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Public testimony will be taken on each item.

ORDER OF BUSINESS

1. ROLL CALL

2. APPROVAL OF MINUTES

   a) Approval of minutes of Commission Meeting of May 11, 2000 [Action Item (**)]

3. GENERAL COMMUNICATIONS FILE

4. PUBLIC COMMENT

5. REPORT OF THE CHAIR

   a) Update on Blue Ribbon Committee

6. REPORT OF THE DIRECTOR

   a) 12D.A. Waiver Report
   b) Update on Chapter 12D.A. Quarterly Report due June 1, 2000
   c) Resolutions honoring the lives of Lefty Gordon and Earl White (***)

7. COMMITTEE REPORTS

   a) Lesbian Gay Bisexual Transgender Advisory Committee
      Commissioner Martha Knutzen, Co Chair
      Commissioner Stephen Herman, Co Chair
      Larry Brinkin, Committee Staff

      1. Report of the May 16, 2000 Committee Meeting [Discussion Item (*)]
      2. Approval of letter to Gay Men's Health Summit commending their inclusion of bisexual and transgender issues [Action Item (**)]

      NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, June 19, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

   b) Employment Committee
      Commissioner Larry Lee, Chair
      Pansy Waller, Committee Staff

LEGEND: (*) = Oral report, no attachment
(**) = Attachment provided
(***) = To be discussed at Commission Meeting

1. Report of the May 4, 2000 Committee Meeting [Discussion Item (*)]

   NOTE: *The next meeting of the Employment Committee will be held on Thursday, June 1, 2000 at 12:00 noon at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c) Issues Committee
Commissioner Antonio Salazar-Hobson, Chair
Emil DeGuzman, Committee Staff

1. Report of the May 8, 2000 Committee Meeting [Discussion Item (*)]

   NOTE: *The next meeting of the Issues Committee will be held on Monday, June 5, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d) MBE/WBE/LBE Advisory committee
Commissioner Shirley Dimapilis, Co Chair
Commissioner Leslie Littleton, Co Chair
Commissioner Alan Watahara, Member
Maria Cordero, Committee Staff

1. Report of the May 17, 2000 Committee Meeting [Discussion Item (*)]
2. Discussion and possible action to adopt amended 12D Rules and Regulations [Action Item (**)/(***)]

   NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, June 21, 2000 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e) Youth and Education Committee
Commissioner Youn-Cha Shin Chey, Chair
Toni A. Delgado, Committee Staff

1. Report of the May 18, 2000 Committee Meeting [Discussion Item (*)]

   NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, June 7, 2000 at 4:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

8. ADJOURNMENT

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place Room 416, San Francisco, CA 94102, unless otherwise stated

NEXT MEETING: THURSDAY, JUNE 8, 2000

LEGEND: (*) = Oral report, no attachment
(**) = Attachment provided
(***) = To be discussed at Commission Meeting

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

DRAFT

May 25, 2000

Mr. Eric E. Rofes, Programming Coordinator Gay Men's Health Summit
c/o Boulder County AIDS Project
2118 Fourteenth Street
Boulder, Colorado 80302-4808

COMMISSIONERS

Harry W. Low
Chair

Ghada Saliba-Malouf
Vice-Chair

Youn-Cha Shin Chey
Shirley Dimapilis
Julia Globus-Sabori
Stephen J. Herman
Martha Knutzen
Larry Lee
Leslie D. Littleton
Alan Akira Watahara

Dear Mr. Rofes:

The San Francisco Human Rights Commission has been made aware of your efforts to ensure inclusion of gay and bisexual female to male transgender and transsexual people in this year's Health Summit, and we wish to applaud you. It is important that all venues of health information specific to gay and bisexual men encompass the needs of gay and bisexual transgender men.

The Commission and the Lesbian Gay Bisexual Transgender Advisory Committee to the HRC commend you and the rest of the Summit organizers! We wish you the very best with the Summit and look forward to learning about findings regarding the health needs of gay, bisexual and/or transgender men.

Sincerely,

Harry Low
Chair

05-25 Gay Mens health Summit-comm.doc

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Virginia M. Harmon
Interim Director

Memorandum

To: Chair, Harry Low
Commissioners

THROUGH: Commissioners Dimapilis, Littleton, Watahara and M/W/LBE Advisory Members

FROM: Maria Cordero
MBE/WBE/LBE Committee Staff Person

DATE: May 19, 2000

RE: 12D-A Amended Rules and Regulations

As you know, staff has been working closely with the City Attorney's Office to draft proposed changes that would clarify the 12D.A Rules and Regulations and make those Rules and Regulations consistent with the 1998 M/W/LBE Ordinance as well as changes made elsewhere in the Administrative Code. The M/W/LBE Advisory Committee adopted these changes at its meeting held Wednesday, May 17, 2000. Staff recommends that the Commission at its meeting of May 25, 2000 adopt these Rules and Regulations.

For your information, I am providing you with two different versions of the proposed Rules and Regulations for Chapter 12D.A of the Administrative Code. The first is a redlined version that compares the proposed Rules and Regulations with the existing Rules and Regulations. The second reflects how the Rules and Regulations will read if the proposed amendments are adopted.

Summary of Proposed Changes:

Section II and III: Staff's proposed changes are non-substantive. Section III(B)(3) was amended to provide that the Director report to the Committee on official filed complaints.

Section IV: The proposed amendments to Section (C), governing the award of Professional Service Contracts, have been made to make the Rules and Regulations in Compliance with the Administrative Code after the 1999 amendments made to Sections 21.4 and 21.05 of the Administrative Code. Section L is an entirely new section that sets for the Diversity Tracking System reporting requirements. Finally, there are additional amendments to the section proposed to clarify particular rules.

Section V: The only substantive change proposed is to add Section P, which simply clarifies that M/WBEs must meet the LBE certification criteria.

Section VI: The only substantive change proposed is to add Section B(1)(b) to tighten up the certification rules.

Sections VII through XII: Most of the substantive changes in these sections were made to make the rules consistent with the 12D-A Ordinance. Additionally, Section IX(F) was amended to add a standard by which the Director should grant permission to permit exceptions to certain rules governing joint ventures. Also, Section XII(F) was amended to provide time frames for appealing from the Director's decision denying a request for a waiver or reduction of subcontracting goals.

Section XIII: The substantive changes proposed to this section make the rules conform to the Ordinance.

Section XIV to end: Most of the substantive changes are to clarify the rules or to make the rules conform to the Ordinance and the Charter. Additionally, the proposed change to Section XIX(A) provides for summary dismissal of a appeal from the Director's findings under limited circumstances.

Thank you for your consideration.

Maria

~~Revised~~
~~January 7, 2000~~

RULES

AND

REGULATIONS

MINORITY/WOMAN/LOCAL BUSINESS UTILIZATION ORDINANCE CHAPTER 12D.A. OF THE SAN FRANCISCO ADMINISTRATIVE CODE ~~ORDINANCE NO. 296-98~~.

Effective Date: November 12, 1998
Revised 5/12/00

SUMMARY: The Human Rights Commission ("HRC") adopts these rules and regulations pursuant to Sections 12D.A.6(A) 4 and 12D.A.6(A)(8) of the Minority/Woman/Local Business Utilization Ordinance (MBE/WBE/LBE Ordinance - ~~III~~IV) codified as Administrative Code Chapter 12D.A. These regulations supersede all existing Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), and Local Business Enterprise (LBE) regulations and administrative requirements concerning MBE/WBE/LBE programs that the Human Rights Commission or any other department of the City and County of San Francisco has issued prior to the effective date of these regulations.

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I. DEFINITIONS

The below listed definitions are **supplements** to those set forth in Section 12D.A.5 of the Ordinance. Please refer to those definitions when consulting these regulations.

"African American" shall be defined as any person whose ancestry is from any of the Black racial groups of Africa or the Caribbean.

~~"Arab-American" shall be defined as any person whose ancestry is from an Arab-speaking country that is a member of the League of Arab States.~~

"Broker" of construction materials, equipment and supplies shall mean a firm that purchases and sells, but does not regularly take possession of stock materials and is not a 'supplier'.

"Commercially useful function" shall mean that the business is directly responsible for providing the materials, equipment, supplies, services and personnel to the City as required by the solicitation or request of quotes, bids or proposals. MBEs, WBEs or LBEs that engage in the business of providing brokerage, referral or temporary employment services shall not be deemed to perform a "commercially useful function" unless the brokerage, referral or temporary employment services are those required and sought by the City.

"Day" or "days" when referring to a time period within which an action must be taken shall mean ~~business days and not calendar days.~~calendar days unless otherwise specified.

"Good-faith efforts" when required of a contract awarding authority or department is defined in Section 12D.A.5 of the Ordinance.

~~"Good-faith efforts" when required of a prime public works/construction contractor or professional services provider is defined in Section 12D.A.5 of the Ordinance.~~

~~"Minority Business Enterprise (MBE)" shall mean an economically disadvantaged local business that is an independent and continuing business for profit, performs a commercially useful function, is owned and controlled by one or more minority persons residing in the United States or its territories and is certified as an MBE pursuant to Section 12D.A.6(B) of the Ordinance.~~

"Native American" shall be defined as any person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

"Ordinance" shall refer to Ordinance No. 296-98, known as the Minority/Woman/Local Business Utilization Ordinance - IV and codified as Chapter 12D.A of the San Francisco Administrative Code.

"Specialty Contractor" shall mean any contractor who is licensed with the California State Contractors License Board and is not a 'A' or 'B' licensed contractors.

"Supplier" shall mean a firm with the financial and physical capability to purchase, to stock, to distribute or to sell. The supplier shall stock the types and number of items consistent with the relevant industry practice, and have appropriate invoices and inventory located within the boundaries of the City and County of San Francisco.

"Waiver" shall refer to an action by the Director excusing a department's duty to: (1) use good faith efforts to solicit and obtain quotes, bids or proposals from MBEs and WBEs; and/or (2) apply MBE, WBE, and/or LBE bid discounts to a particular contract in accordance with Section 12D.A.15 of the Ordinance. A waiver is limited to the term of the contract for which the waiver is sought.

~~"Woman Business Enterprise (WBE)" as defined in Section 12D.A.5 of the Ordinance, shall mean an economically disadvantaged local business that is an independent and continuing business for profit, performs a commercially useful function, is owned and controlled by one or more women residing in the United States or its territories and is certified as a WBE pursuant to Section 12D.A.6(B).~~

~~"Woman/Minority Man Business Enterprise (W/MBE)" as defined in Section 12D.A.5 of the Ordinance, shall mean an economically disadvantaged local business that meets the definition of both an MBE and WBE, except that the ownership interest and control by women alone and minorities alone is less than 51 percent of the business, but for which the aggregate ownership interest and control by women and minorities equals or exceeds 51 percent of the business. A MBE/WBE shall qualify and be deemed by a department, contractor or consultant either as an MBE or WBE, but not both. Any reference in the Ordinance to MBE or WBE includes a W/MBE.~~

II. POWERS AND DUTIES OF THE HUMAN RIGHTS COMMISSION

A. The Commission's powers and duties are set forth in Sections 12D.A.6(A) and (D), 12D.A.7(C), 12D.A.8(3), ~~12D.A.14,~~ 12D.A.16(B) and (C)(1)(d)(3), 12D.A.17(H), and 12D.A.18(B) of the Ordinance.

B. The Chair of the Commission shall appoint a community advisory committee of not less than 11 members, comprised of persons from local business groups, city or federal governmental agencies and community organizations. The committee shall meet at least quarterly and at the call of the Chair of the committee. The Chair of the committee shall be a member of the Commission. The purpose of the committee is to advise the Commission on policy matters pertaining to the ~~Chapter 12D.A. MBE/WBE/LBE~~ Ordinance.

C. ~~HRC will~~The Commission, through its staff, shall gather data on ethnic and industry subgroups and compile a list of contractors/consultantsto determine the availability and under-utilizationof local contractors/consultantsin a particular industry under each subgroup.

III. POWERS AND DUTIES OF THE DIRECTOR OF THE HUMAN RIGHTS COMMISSION

A. The powers and duties of the Director are set forth in Sections 12D.A.6(B), (C), (D) and (E), 12D.A.7(A), (C) and (D), 12D.A.(8)(3), 12D.A.9(A)(15), (D)(8), (F) and (G), 12D.A.11(C), 12D.A.12(C), 12D.A.13(C), 12D.A.14, 12D.A.15(A) and (B), 12D.A.16, 12D.A.17(C), and (G), and 12DA.18(A) of the Ordinance.

B. In addition to the powers and duties set forth in the Ordinance the Director shall also:

1. Notify the Commission of complaints.
2. Notify the Commission of noncompliance issues.
3. Report to the MBE/WBE/LBE Advisory Committee on all waivers and summary of official complaints relating to the Ordinance.
4. Work with departments and the Controller to ensure prompt payment to MBEs, WBEs and LBEs as provided by Sections 12D.A.6(B)(5), 12D.A.7(D), and 12D.A.9(A)(12) of the Ordinance.
5. Expedite the handling of prompt payment complaints and monitor complaints of prime contractors/consultants with the City and of subcontractors/sub-consultants with prime contractors/consultants.
6. Monitor the level of MBE and WBE subcontractor/sub-consultantparticipation specified in a prime contract. In case of noncompliance, the procedures provided by Section 12D.A.16 of the Ordinance and Sections XV, XVII, XVIII, and XIX of the Rules and

Regulations will apply.

7. ~~7.~~ Have such powers and duties as are provided by these regulations.

C. The Director shall require construction prime contractors and professional services prime consultants to pay their subcontractors/sub-consultants within 3 days of receipt progress payment from the city.

D. At least quarterly, the Director shall initiate random audits of prime contracts, including joint ventures contracts, awarded in the previous quarter.

IV. POWERS AND DUTIES OF DEPARTMENTS

A. The powers and duties of departments are set forth in Sections 12D.A.7(D), 12D.A.9, 12D.10(B), 12D.A.11(B),~~(C) and (D),~~ 12D.A.12 (B), 12D.A.13(B), 12D.A.14, 12D.A.17(B) and 12D.A.18(D) of the Ordinance.

B. When a department receives bids on a proposed project, the bids of each certified MBE/WBE/LBE shall be reduced by an amount equal to five percent (5%), seven and one half percent (7 1/2%), or ten percent (10%) of that business' bid as set forth in 12D.A.9(A)2.

C. The award of consultant or Professional Services contracts is governed by Sections 12D.A.12(B) and 12D.A.13(B) of the Ordinance. In addition to the provisions contained in that Section:

~~1.~~ All draft Request for Qualifications (RFQs) and Request for Proposals (RFPs), evaluation criteria and San Francisco Administrative Code 12DA requirements should be submitted to HRC for review prior to advertisement.

2. The Department shall provide HRC with 10 business days notice of the dates and times of the selection process. HRC staff may be present throughout the entire selection process. For those departments without an assigned Contract Compliance Officer, the Director will decide the need for presence of HRC staff.

~~1.~~ The composition of consultant selection Panels~~and awarding officers~~ shall include individuals who reflect the ethnic and gender made up of San Francisco. ~~Panel members must be individuals with work experience and/or expertise in the relevant subject matter and the necessary knowledge of the selection process. To insure impartiality and objectivity to the extent feasible, at least one panel member should be selected from outside the department that is issuing the contract award, and at least one panel member should be a non-City employee.~~

3. A brief summary of the ethnicity/gender and expertise of each panel member should be submitted to the HRC for review not less than 10 business days prior to the proposals due date.

4. The Commission urges contract awarding authorities to instruct selection panelists not to discuss among themselves rankings or ratings of consultants until after the selection process has been completed. If the Director finds that talking among selection panelists results in discrimination in the selection process, the Director shall intervene in that process to correct discriminatory practices as set forth in sections 12D.A.12 and 12D.A.13 of the Ordinance.

5. The Commission urges contract awarding authorities not to use fees or cost estimates of services as scoring criteria in consulting and professional services.

6. The Commission further urges the contract awarding department not to inform the panel members of the identities of firms that are eligible for the rating discounts at any stage of the selection process.

~~7.~~ Each evaluator will score each consultant on a predetermined point system, or other

system that permits the application of bid discounts at each stage of the selection process, in a fair and objective fashion.

8. After each consultant's oral interview is completed, panel members shall tally their respective raw scores.
9. The awarding department will immediately forward the original score sheets from each panel member to the HRC for review.

~~2. To avoid lobbying by competing consultants, prior to the panel's completion of its selection, the department~~ shall not ~~make public the names of the panel members or identification of the agencies or firms that the panel members are affiliated to.~~

~~3. All Request for Qualifications (RFQs) and Request for Proposals (RFPs) evaluation criteria and San Francisco Administrative Code Chapter 12DA requirements should be submitted to HRC for review prior to advertisement.~~

~~10.~~ ~~4. HRC Contract Compliance Officers shall apply the bid or rating discounts to each stage of the selection process, e.g. pre-qualification (if applicable), proposals and interviews. For those departments without an assigned HRC Contract Compliance Officer, they must also follow the same procedures for applying bids or rating discounts. Each evaluator shall score each consultant on a point system based on a predetermined point value. The bid or rating discounts shall be applied to the scores attained by the MBE, WBE, and/or LBE as set forth in the Ordinance. If a MBE or WBE attains the highest score, the department shall enter into good faith negotiations with that proposer. Subject to the prior~~ The Department shall issue a letter to HRC listing the ranking, score, and the rating discount of each consultant not less than 5 business days after the department applies the bid discounts.

~~approval of~~ After consulting with the Director and upon ~~a showing~~ determination by the department that those negotiations were undertaken in good faith with the aforementioned MBE or WBE consultant, a department may award the contract to another competing ~~proposer.~~

~~5. Using fees or cost estimates of services as scoring criteria in consulting and professional services contracts is prohibited. Fees should be submitted in a sealed envelope. Only after the selection procedure, the awarding department shall open the sealed envelope submitted by the successful bidder and use this as a basis for final negotiation of contractual scope and fees.~~

~~6. Scoring shall be applied as follows.~~

~~(a) Each evaluator will score each consultant on a point system based upon predetermined evaluation criteria and predetermined point value. The selection criteria shall be based solely on objective factors that are related to the ability of the consultant to perform the proposed project.~~

~~(b) After each presentation or interview is completed, panel members shall tally their raw scores and submit the original scoring sheets to the department.~~

~~(c) The department shall not inform the panel members of the identities of firms that are eligible for the rating discounts at any stage of the selection process.~~

~~(d) The panel members shall not discuss among themselves their respective scores nor any reference to ranking until the selection process is completed.~~

~~7. Oral Interviews.~~

~~The department may develop a short list of finalists from ranked proposals before oral interviews. After each consultant's oral interview is completed, panel members shall tally their respective raw scores and submit the originals to the HRC for application of the rating discounts. The scoring process is set forth in Section IV.C.5. All panel members must be present throughout each interview of the consultants.~~

~~8. The awarding department will forward the original score sheets from each panel member to the HRC for review.~~

~~9. After the presentation or interview, the HRC will issue a letter listing the ranking, scores, and the applied rating discount of each consultant. The listing will then be given to the department.~~

~~10. HRC staff will be present throughout the entire selection process. For those departments without an assigned Contract Compliance Officer,~~proposer unless the Director~~will decide the need for presence of HRC staff.~~

~~11.~~ ~~11. The department shall award the contract to the consultant with the highest score. If the highest score is an MBE or WBE and the awarding department does not want~~finds that the Department's failure to award the contract to ~~the MBE or WBE, then the department must obtain the written permission of the Director before it can award the contract to the next low-ranked firm. The~~a higher ranking ~~Director's determination shall be based on whether the award is~~MBE or WBE is the result of an effort to circumvent the purposes of the Ordinance. Upon any such finding by the Director, the Director shall intervene in the selection process to correct any discriminatory contracting processes as set forth in Sections 12D.A.12 and 12D.A.13 of the Ordinance.

D. Each department shall be responsible for having a specified location for inquiries as to the awards made by that department.

E. Departments shall count prime MBE/WBE participation toward meeting MBE and WBE requirements as follows:

1. The total dollar value of the contract awarded to the MBE or WBE is counted toward the applicable MBE or WBE participation goal.

2. The total value of a contract with a business owned and controlled by a minority woman is counted 75% toward meeting the MBE goal and 25% toward meeting the WBE goal.

F. In the solicitation of bids for contracts ~~that are below the threshold that requires formal bidding,~~ where formal bidding is not used the department shall:

1. For construction/facility maintenance contracts under $50,000, obtain at least three (3) written bids. Bids should be solicited in the following priority: (a) MBE or WBE, (b) joint ventures with MBE or WBE, (c) LBE, and all other firms. The appropriate discount point will be awarded depending on whether the bidder is a MBE, WBE, and/or LBE, as set forth in Section 12D.A.9 of the Ordinance.

2. ~~2.~~ For professional service contracts ~~of $10,000 or less~~, contact at least three (3) firms listed in the MBE/WBE Directory that perform that type of work. Thereafter, the solicitation priorities outlined in IV.F.1 above should be followed.

3. ~~3. Any~~The department shall inform the Director of any modification to ~~an informal contract is subject to the approval of the HRC for the purpose of determining compliance with the Ordinance.~~contracts covered by this Section IV.F. The Director shall intervene in that selection process to correct any discriminatory practices if he/she finds that the department is attempting to circumvent the purposes of the Ordinance through the modification.

G. Departments shall include the relevant HRC attachments with the solicitation for bid or request for proposal documents. The HRC attachments for construction, A/E consulting contracts, purchasing, general and professional services shall explain in detail the applicable procedures that govern the procurement process. Proposers of A & E or professional services contracts must complete and submit all applicable HRC Forms in separate sealed envelope and be submitted with the proposal.

H. Bid discounts shall not be applied to MBEs or WBEs that provide brokerage, referral or temporary employment services unless the request for proposal or bid specifications specifically states the need for these services in the proposed project.

I. Each department shall designate a liaison who shall be responsible for monitoring the prompt payment of invoices received from MBEs, WBEs, and LBEs for work performed on City contracts and ~~to work~~for working with the Director and Controller in implementing the prompt payment policy set forth in Sections 12D.A.6(B)(5), 12D.A.7(D) and 12D.A.9(A)(12) of the Ordinance.

J. If the prime contractor fails to comply or partially complied with its commitment to use MBE/WBE subcontractors listed, under section 12D.A.9(D)6, the prime contractor shall~~require to~~ compensate the listed MBE/WBEs who were not used as committed by paying 5% of the committed amount or 5% of the remainder of the unfulfilled committed amount under the following conditions:

~~1.~~

1. when there is no change order by the awarding department that~~has~~ changed the identified scope of work for the listed MBE/WBEs, ~~or~~and

2. when there is no dispute in the work performed by the listed MBE/WBEs with the prime contractor.

K. Departments are encouraged to expand their pool of prime contractors/consultants and to encourage prime contractors/consultants to expand their pool of subcontractors and sub-consultants whenever possible.

L. DIVERSITY TRACKING SYSTEM

1. The Director shall establish, and from time to time may amend what information he or she needs from the departments identify on-going discrimination in the City's Contracting program and to report to the Mayor and the Board of Supervisors as required by the Ordinance. The Director shall notify all departments in writing of what information the department must enter into the Citywide Diversity Tracking System and the timeframes for entering the required data into the Diversity Tracking System.

2. All City departments shall be in contact with the Director to determine whether they need to undergo training to comply with the Diversity Tracking System reporting requirements.

3. Consistent with Board Resolution No. 243-00, all departments shall submit to the Board of the Supervisors and the Director strategic plans detailing their allocation of resources to comply with the Citywide Diversity Tracking System reporting requirements.

4. All departments shall input accurately and completely the required contracting information into the Citywide Diversity Tracking System on a timely basis.

5. Any department that fails to input accurate and complete contracting information shall be reported to the Mayor and the Board of Supervisors in the Director's Quarterly report. Consistent failure to input accurate and complete information shall be treated as willful non-compliance under Section 12D.A.16(E).

V. CERTIFICATION - MBEs/WBEs

~~No business or individual business owner shall be eligible for certification as a bona fide MBE/WBE if it was previously certified as an MBE/WBE and subsequently obtained average gross annual receipts over the course of three consecutive fiscal years that exceed the limits set forth for an economically disadvantaged business, under Section 12D.A.5 of the Ordinance, unless: a) 1 full year has elapsed since the business graduated or was decertified; and b) it can demonstrate that its average gross annual receipts for the three consecutive years immediately proceeding its re-application have fallen below the thresholds set forth in the Ordinance.~~

A. Section 12D.A.6(B)(1) of the Ordinance empowers the Director to certify businesses as bona fide MBEs/WBEs/LBEs. In order to be certified as an MBE, WBE and/or LBE the business must meet the definition of MBE, WBE and/or LBE as provided by Section 12D.A.5 of the Ordinance.

B. Bona fide minority group membership shall be established on the basis of the business owner's claim, under penalty of perjury, that he or she is a member of a minority group identified in the 12D.A Ordinance. Applicants are to submit evidence of ethnicity and/or gender of owner(s). The Director may also request production of any records that support a claim that the owner is a member of a minority group identified in the Ordinance.

C. An eligible MBE or WBE shall be an independent business. In determining whether a business is independent, the HRC shall examine the adequacy of the business' resources for the scope of work under a proposed contract, its financial independence, the extent of its equipment leasing, and its relationships with non-minority firms.

D. A MBE or WBE firm shall not enter into any formal or informal agreement that restricts or limit the customary management discretion or authority as a business owner.

E. If there are part-owners of the firm who are not minorities or women and who are disproportionately responsible (according to percent or degree of ownership) for the operation of the firm, then the firm is not controlled by minorities or women and shall not be considered as an eligible MBE or WBE. Where the actual day-to-day management of the firm is handled by individuals other than the owner, those persons who have the ultimate power to hire and fire the managers shall be considered as controlling the business.

F. All securities evidencing full or partial ownership and/or control of a business entity for purposes of establishing it as a MBE or WBE shall be held directly by minorities or women.

G. To qualify as a MBE or WBE, the minority and/or woman owners must have made real and

substantial contributions of capital and expertise to acquire their interests in the firm. Examples of insufficient contributions include a note payable to the firm or to ~~those of its~~ other part owners who are neither minorities nor women. Participation of a minority or woman "owner" as an employee without management authority in the firm seeking to be certified, is insufficient to qualify as a MBE or WBE.

H. The MBE/WBE shall possess a valid California license for the type of work it performs, if such license is required by State law. Applicants are to submit proof of applicable professional licenses as well as proof that the minority and/or woman owner is the license qualifier. For businesses that do not require a license, the minority and/or woman owner must have training, education and work experience in that type of business.

I. A business requesting to be certified as a MBE or WBE shall supply the HRC with all such additional information as the Director may deem relevant in order to make a determination of such status.

J. The owner of the firm shall sign a declaration swearing to the truth and accuracy of all statements and information submitted to the HRC in applying for certification.

K. A change in ownership of a firm from majority to all or mostly all minority ownership will be carefully scrutinized. The following factors shall be considered:

1. ~~1.~~ the reasons for the timing of the change in the ownership of the business relative to the time that bids are opened or proposals are considered;

2. ~~2.~~ whether the new minority or woman owner previously served as an employee of, or in any other subordinate relationship to the other non-minority male owners;

3. whether the interest of the non-MBE or non-WBE is consistent with the ownership and control requirements of the Ordinance.

L. A prime contractor or subcontractor must already be certified as a MBE or WBE when submits his/or her bid to qualify for bid discounts or to qualify to meet the M/WBE subcontracting goal. Any firm that is in the process of appealing the Director's denial of certification or revocation of certification for other contracts shall not be considered as a MBE or WBE for any bid submission until the process is finalized.

~~M.~~ M. All certified MBEs/WBEs shall submit to HRC annually after submittal of its Federal Income Tax Returns ~~with proof of extension and~~ all documentation required to support the continuing certified status of that business. Failure to provide the appropriate documentation as required under this paragraph may result in suspension of the business certification.

N. A certified MBE/WBE trucking entity must possess the appropriate motor vehicle registration, in its own name, for all trucks and/or trailers to be used in the work. Each trucker must possess an appropriate driver's license in his or her own name.

O. No business or individual business owner shall be eligible for certification as a bona fide MBE/WBE if it was previously certified as an MBE/WBE and subsequently obtained average gross annual receipts over the course of three consecutive fiscal years that exceed the limits set forth for an economically disadvantaged business, under Section 12D.A.5 of the Ordinance, unless: a) 1 full year has elapsed since the business graduated or was decertified; and b) it can demonstrate that its average gross annual receipts for the three consecutive years immediately proceeding its re-application have fallen below the thresholds set forth in the Ordinance.

P. To qualify as an MBE or WBE, a business must also meet the criteria set forth for LBEs in the Ordinance and these regulations.

VI. CERTIFICATION - LBEs

A. Bona fide Local Business Enterprise (LBE) status shall be established on the basis of the owner's claim, signed under penalty of perjury by the owner or authorized agent of the business seeking LBE status, that the business' office is located within the City and County of San Francisco. The business must meet the definition of LBE as provided by Section 12D.A.5 of the Ordinance and must meet the requirements of Section 12D.A.6(B)(1) of the Ordinance.

B. In addition to the requirements set forth in the Ordinance, ~~the~~a business that seeks to be certified as a LBE must also establish that:

1. The business is an economically disadvantaged business that is an independent and continuing business for profit and performs a commercially useful function;

   (a) The applicant must submit his/her complete business and/or individual Federal Income Tax returns for the past three most recent years.

   (b) The LBE certification requirement that the applicant business be an "economically disadvantage business" within the definition provided by Section 12D.A.5 of the Ordinance may not be met by any individual business enterprise under common ownership, in whole or in part, with other businesses where the aggregate gross annual receipts of the combined businesses under common ownership would not meet the definition of "economically disadvantaged business" under Section 12D.A.5 of the Ordinance.

2. The applicant must transact and operate business daily in the San Francisco office, and the business must be located and doing business in San Francisco for at least six (6) months preceding its application for certification as a local business.

4. ~~3.~~ The business is listed in the Permits and License Tax Paid File with San Francisco business street address and possesses or is eligible to receive a current Business Tax Registration Certificate at the time of the application for certification as a local ~~business.~~ business.

   ~~(a) The applicant for certification must submit a copy of his/her current Business Tax Registration Certificate, issued by the City Tax Collector, showing his or her current local business location.~~

   (a) The applicant for certification must submit a copy of his/her current Business Tax Registration Certificate issued by the City Tax Collector, along with a copy of the application form filed with the San Francisco Tax Collector's Office (EZ) and a copy of the current W-3 form, showing his or her current local business location.

   (b) Post Office box numbers, commercial mailbox service, or residential address when the firm has an office outside of San Francisco shall not suffice to establish status as a 'Local Business'.

   (c) Businesses with offices outside of the City and County of San Francisco that seek to be certified as a LBE must also establish that: The calculation of San Francisco local business taxes paid by the LBE must have been based upon employees actually assigned permanently to, and~~,~~ working from the local office. A local office without permanently assigned employees who actually utilize that

office to facilitate their work, shall not be deemed a local office within the meaning prescribed by the Ordinance. A local office must possess indicia of actual operational utilization by the LBE firm, including but not limited to the performance of clerical tasks on a daily basis, the performance of payroll administration at the location, the existence of staff and the presence of a wide range of typical office equipment. In addition to the City and County of San Francisco Payroll Tax records, the applicant must submit a DE-6, Quarterly State Wage & Withholding Report. Upon request, the LBE shall furnish the Director with payroll records for the local office, that demonstrate that the tasks described above have been performed by employees working in that office.

4. An arrangement for the right to use an office space on an 'as needed' basis where there is no office exclusively reserved for the firm does not qualify as an 'office'.

   (a) The applicant must submit a rental agreement for the office space/home, rent receipt or canceled check (if owned, include property tax or deed statement showing ownership), blank business invoice, company letterhead; and business card for owner.

   (b) The applicant must submit copies of correspondence with the accompanying envelopes addressed to the local business address, i.e. bills, bid and/or RFP solicitations, and contractor communications, and correspondence from the local business address, i.e. invoices, bids, RFPs, communications to customers or contractors.

5. The business location, unless located in a residence, must prominently display the name of the firm.

6. The type of business ownership (sole proprietorship, partnership, or corporation) must be specified and substantiated through documentation provided to the HRC.

C. A business that is located in a residence and that seeks to be certified as a local business in San Francisco must additionally substantiate that;

1. no office is located outside of the home for this business activity;

2. the income tax return filed for the previous year claimed a business deduction for this office unless necessary documents are provided to the HRC that the business is newly established.

D. Applicants are to submit a complete recent telephone bill, showing the business name, local address, and telephone number. The name and local address must appear in the non residential white pages of the San Francisco Telephone Directory, unless applicants provide necessary documents to HRC to prove that the business was established after the publication deadline.

E. Applicants must possess the appropriate equipment and personnel for the type of business for which certification are sought.

F. Applicants must submit city payroll tax records to the HRC office as part of the certification requirements.

G. Applicants shall supply the HRC with all such additional information as the Director may deem relevant in order to make a determination of such status.

H. A prime contractor or subcontractor must ~~already~~ be certified as a LBE ~~when submits his or her bid in order~~ at the time of the bid submission to qualify for bid discount. Any firm that is in the process of appealing the Director's denial of certification or revocation of certification for other contracts shall not be considered as a LBE for any bid submission.

I. All certified LBEs shall submit to the HRC ~~annual~~, after submittal of its annual Federal Income Tax ~~Returns, with proof of extension and all documentation~~ **all** returns all financial statements including all required documentation **required** to support the continuing certified status of that business. Failure to provide the appropriate documentation as required under this paragraph may result in suspension of the business' certification.

J. A certified LBE trucking entity must possess the appropriate motor vehicle registration, in its own name, for all trucks and or trailers to be used in the work. Each trucker must possess an appropriate driver's license in his or her own name.

VII. APPEAL PROCEDURES FOR DENIAL OR REVOCATION OF M/W/LBEs CERTIFICATIONS

A. When the Director denies an application for or revokes the certification of a business as a MBE, WBE, or LBE because the business is not a bona fide MBE, WBE, or LBE, the Director shall, within three ~~working~~ business days of his/her decision, notify the aggrieved business in writing of the basis for revocation or denial of certification and the date on which the business will be eligible to reapply for certification.

B. The notice shall be transmitted to the business via certified mail and/or via facsimile, and the notice shall apprise the business of its right to appeal the decision to the Commission.

C. The Director shall require a business to wait at least six months but not more than two years after the denial or revocation before reapplying to the Director for certification as a MBE, WBE or LBE.

~~D. Only when the MBE, WBE, or LBE can demonstrate that HRC has disregarded the certification procedures set forth in the Rules and Regulation or that there is proof~~

D. ~~Of a bona fide error, appeal to the Commission is allowable.~~ A business may appeal the Director's denial or revocation of certification of a business as an MBE, WBE or LBE to the Commission.

E. Any appeal to the Commission under this section must be filed with the Commission within three business days following receipt of the Director's decision.

F. The Commission shall appoint a hearing officer to review the certification application no later than 30 days after receipt of notice of appeal. The hearing officer's decision shall be final.

VIII. REGISTRY

Upon request of applicable businesses, HRC will do the following:

A. The HRC will register minority-owned businesses and woman-owned businesses that are economically disadvantaged, that do not maintain offices within the geographical boundaries of the City & County of San Francisco.

B. The HRC will register local MBEs & WBEs that are non-economically disadvantaged.

C. The HRC will register non-economically disadvantaged local firms that have offices within the geographical boundaries of the City & County of San Francisco.

D. The HRC will register local brokers of construction materials, equipment, and supplies; however, local brokers will not be certified.

IX. JOINT VENTURES

A. A business that is bidding or competing for City contracts may associate with a certified MBE or WBE businesses to compete for contracts as a joint venture. A joint venture should be between two entities with the same discipline or license as required by the awarding department. Joint ventures receive bid discounts depending upon the MBE or WBE percentage of participation as set forth in Section 12D.A.9(A)(2) of the Ordinance.

B. Application of Bid Discounts Joint Ventures - Construction

To be eligible for a bid discount, at the time of bid submittal, each joint venture partner must hold a Joint Venture License and each must have the license that is appropriate for the project as required in the Contract Document of the contract award authority.

C. If a joint venture is bidding on a single trade project, at the time of bid submittal, each of the joint venture partners must hold a Joint Venture License and possess the requisite specialty license for that trade bid.

D. The MBE or WBE partner must clearly define the portion of the works to be performed during the project. This work must be of the similar type of work the MBE or WBE partner performs in the normal course of its business. The Joint Venture Participation Form (HRC Form Number 4) must specify the project bid Items to be performed by each individual joint venture partner. Lump sum joint venture participation is not acceptable.

E. Each member of the joint venture must perform a "commercially useful function" as that term is defined by Section ~~I of these Rules and Regulations.~~ 12D.A.5 of the Ordinance.. An MBE or WBE that relies on the resources and personnel of a non-MBE or WBE firm will not be deemed to perform a "commercially useful function."

F. Unless permission is granted by the Director for good cause shown, based on sudden and unexpected necessity, the following are not allowed: i) the non-MBE/WBE partner performing work for the MBE/WBE partner; ii) leasing of equipment or property by the MBE/WBE partner from the non-MBE/WBE partner; and iii) the hiring of the non-MBE/WBE partner's employees by the MBE/WBE partner.

G. Responsibilities of the MBE or WBE partner.

1. The MBE or WBE partner must share in the ownership, control, management responsibilities, risks, and profits of the joint venture in proportion with level of participation in the project.

2. The MBE/WBE partner must perform work that is commensurate with its experience.

3. The MBE/WBE partner must use its own employees and equipment to perform its portion of the project.

4. For construction contracts only, the joint venture as a whole, must perform labor that equals or exceeds 25 percent of the total dollar value of the contract in order to be eligible for a joint venture bid discount.

H. A joint venture must submit a Joint Venture Management Plan and/or a Joint Venture Agreement, containing but not limited to the following:

1. A detailed explanation of the financial contribution of each partner.

2. A list of the personnel and equipment used by each partner.

3. A detailed breakdown of the responsibilities of each partner.

4. An explanation how the profits and losses will be distributed.

5. A description of the bonding capacity of each partner.

6. Any management or incentive fees available for any one of the partners.

I. The ~~HRC~~Director must first approve the MBE/WBE Joint Venture Management Plan before the joint venture is eligible for bid discounts. Any changes in the joint venture management plan, must also receive the prior approval of the ~~HRC.~~Director.

J. A business requesting to be approved as an MBE/WBE joint venture shall supply the HRC with all such additional information as the Director may deem relevant in order to make a determination of the joint venture's status.

K. Each MBE/WBE joint venture must ~~complete and file with the HRC and the awarding department a Contract Exit Report and Affidavit (HRC Form 8) prior to receiving final payment from the City. The report must be completed in full and include the submission of required records, invoices and cancelled checks from the~~provide, in addition to any other information required by these regulations, a completed HRC Form 8 and invoices, cancelled checks and any other financial records to the Director to determine whether both joint venture partners ~~and~~ subcontractors. are actively involved in the project. ~~subcontractors.~~

X. PROCEDURES FOR THE GRANTING OF REQUESTS FOR WAIVERS OF THE RACE- AND GENDER-CONSCIOUS BID DISCOUNTS AND GOOD FAITH EFFORTS

A. Section 12D.A.15 of the Ordinance gives the Director the power to waive the race and gender-conscious bid discounts and good faith effort requirements of the Ordinance under the following circumstances:

1. ~~1.~~ Sole Source waivers. A waiver shall be granted if the Director finds, with the advice of the department that, there is only one vendor readily available to supply the needed goods or services to the City and the prospective contractor is not disqualified from doing business with the City.

2. ~~2.~~ Emergency contract waivers. ~~A waiver shall be granted if:~~The Director shall immediately grant a waiver if the department certifies in writing to the Director, prior to the Controller's certification of the contract that:

   (a) the contract is necessary to respond to an emergency ~~which~~that endangers the public health or safety and;
   (b) there is no time to apply the bid discounts and;
4. ~~(c) no~~ discounts or no MBEs and/or WBEs capable of performing the work are immediately available.

~~4.~~Local business bid discount waivers.

~~Waivers of~~The Director shall waive the local bid discount ~~shall be granted if:~~
3. ~~(a) the contract is~~for contracts in excess of five million ~~dollars; and~~dollars if the Director finds that:

   ~~(b)~~(a) sufficient, qualified LBEs capable of providing the needed goods and services required by the contract are unavailable; and
   ~~(c)~~ sufficient qualified businesses outside San Francisco are available; or
   ~~(d)~~(b) the application of the LBE bid discount would result in significantly higher additional costs to the City if the waiver of the bid discount is not granted.

B. Departments are encouraged to keep lists of MBEs, WBEs and LBEs to use in emergency situations.

C. Emergency situations are distinct from those occasions when there is time, no matter how limited, to contact several contractors and receive bids, even though the work must start as soon as possible.

In those cases departments are required to apply bid discounts and to make good faith efforts to utilize MBEs and WBEs. Emergency waiver requests in these kinds of situations are ~~inappropriate.~~ inappropriate. If the Director finds that a department certified that an emergency existed in a non-emergency situation, the Director shall follow the appropriate non compliance procedures set forth in Section XVIII (B) of these regulations.

D. Requests for waivers should be made only on Waiver Request Forms, which are available from the HRC. These forms must be filled out completely and the requested documentary information attached. If an emergency waiver is being requested, the nature of the emergency must be noted on the form.

E. A request for a sole source or local business discount waiver must be submitted prior to the award of a contract. No sole source or local business waiver will be granted if the request is submitted after the contract has been awarded.

F. The HRC shall respond to sole source and local business bid discount waiver requests within five (5) business days after receipt of the request. ~~The HRC shall respond to emergency waiver requests within twenty-four (24) hours after receipt of the request.~~

G. If a sole source or local business waiver request is approved, the department may continue the procurement process on the specific contract for which it requested a waiver and is not required to apply the bid discounts or make the good faith efforts required by the Ordinance.

H. If a sole source or local business waiver request is denied, the department must follow the mandates of the Ordinance.

XI. PROCEDURES FOR THE GRANTING OF CONTRACT MODIFICATIONS

A. It is the responsibility of the contract awarding authority to provide the Director with written notices of all contract amendments, modifications, supplements and change orders that cumulatively result in an increase or decrease of the contract's dollar amount of more than 10%. Such notice shall be provided within 10 days of each such contract modification. All contract amendments, modifications, supplements and/or change orders that cumulatively increase by more than 20% the dollar value of all contracts originally valued at $50,000 or more shall be subject to prior approval of the Director. The Director shall review the proposed amendments, modifications, supplements and/or change orders to correct contracting practices that exclude women or minorities from new contracting opportunities. The department must submit ~~HRC's~~to the Director a Contract Amendments, Modifications or Supplemental Change Orders Approval Form including:

(1) copies of contract amendments, modification, supplements, and/or change orders leading up to 20% of the original contract dollar;

(2) a spreadsheet with a breakdown of the list of contractors and subcontractors working on the change order with the contract dollars for each individual firm(s); and

~~(3) upon~~ B. Upon receipt of all the required ~~document, the director~~documentation, the Director shall provide the requesting department his or her determination regarding the proposed amendments, modification, supplements or change orders within 2 business days of HRC's receipt of the request. If the Director fails to respond to the request within the specified time ~~frame that~~frame, the request shall be deemed approved.

XII. PROCEDURES FOR THE GRANTING OF REQUESTS FOR WAIVERS OR REDUCTION OF THE MBE AND WBE SUBCONTRACTOR PARTICIPATION GOALS

A. Sections 12D.A.6(B)(10), 12D.A.15, and 12D.A.17(E)-(H) of the Ordinance give the Director the power to waive or reduce the MBE and WBE subcontractor participation goals.

B. A contract awarding authority that requests for a waiver or reduction of the MBE and WBE subcontracting goals pursuant to Sections 12D.A.6(B)10, 12D.A.15, or 12D.A.17(E)-(H) of the Ordinance, must provide a written request to the Director at least ten (10) ~~working~~business days prior to the solicitation of bids.

C. A bidder or prime contractor/consultant that requests a waiver or reduction of the amount of the MBE and WBE subcontractor participation goals must provide a written request to the Director at least fourteen (14) business days before bid opening.

D. The Director may grant waivers or reduction of the MBE and WBE subcontractor participation goals under any of the following circumstances:

1. It is unfeasible for the bidder contractor/consultant to subcontract out to other businesses due to the nature of the contract.

2. Qualified MBEs/WBEs are unavailable despite the department's or bidder contractor/consultant's good faith efforts to locate them.

3. The available MBEs and WBEs have given price quotes that are unreasonably high in that they exceed competitive level amounts that can be attributed to cover costs inflated by the present effects of discrimination.

E. The Director shall issue his/her decision on the request within five (5) ~~working~~business days after receipt of the request. If the Director fails to issue a decision within that time frame, the request shall be deemed approved.

F. As provided by Section 12D.A.17(H) of the Ordinance, a denial by the Director of a waiver or reduction request may be appealed to the ~~Human Rights Commission.~~ Commission. Any appeal of a denial by the Director of a waiver or reduction request must be filed with the Commission within 5 business days of the department's receipt of the Director's decision. The Commission's decision on the request shall be final.

XIII. PROCEDURE FOR WITHHOLDING PROGRESS PAYMENT

A. Each payment request for a City prime contractor/consultant submitted to the contract award authority shall be accompanied by Form ~~6 or 7~~7 which is the Contractor/Joint Venture Partner and subcontractor/sub-consultant participation Report.

~~B.~~

~~B.~~ If the request for payment fails to include the required subcontractor/sub-consultant's information, the ~~contract awarding authority shall:~~

~~1.~~ ~~notify the HRC~~Controller shall, as provided in Section 12D.A.7(c) of the Ordinance notify the HRC, the department, and affected prime contractors/consultants within 2 ~~working~~business days of the ~~failure;~~
failure. That notice

~~2.~~B. shall inform the Contractor/Consultant that the Controller has tentatively determined that the information has not been provided, what information is missing and that if this failure is substantiated, then the Controller will withhold 20% of the payment until the information is provided. The affected prime ~~the affected prime~~ contractor/consultant must, within five (5) ~~working days upon~~business days of its receipt of the notice, submit the requested information or request a hearing with the contract awarding authority and the HRC to clarify the failure to provide the requested information.

~~C.~~

~~C.~~ If the ~~affected prime contractor/consultant fails to take action as required in Section XIII.B.2 above, the department shall inform the Controller. The Controller in turn must~~ information ~~withhold 20% of the payment otherwise due until the information is provided. If there is a stop notice request from a~~ Controller finds, after consultation with the Director and HRC staff, that the information has not been provided, the Controller shall, as set forth in Section 12D.A.7 of the Ordinance withhold 20% of the payment otherwise due until the delinquent information is provided.

~~subcontractor, the withheld payment will be either the stop payment or the 20% of the payment, whichever is greater.~~

D. The HRC and the ~~contract awarding authority~~department shall be required to hold any hearing requested pursuant to ~~XII.B.2~~Section XIII.B within three (3) ~~working~~business days unless the affected prime contractor/consultant requests a later hearing date. Any contractor/consultant who makes a request for a later hearing date waives any claim resulting from any such delay. If a hearing is not held within the time period specified by this Section, the payment withheld pursuant to subsection XIII.C shall be released.

E. If a hearing is conducted as requested by the affected prime contractor/consultant, within 3 ~~working~~business days after the hearing, the ~~contract awarding authority and the HRC will~~HRC and the department shall provide a written ~~determination~~recommendation to the Controller as to whether to withhold the 20% of the payment. After receipt of such recommendation, the Controller shall issue a written decision as to whether to withhold the 20% payment within 3 business days. If a decision is not made within the time period specified in this Section, the payment withheld pursuant to Section XIII.C shall be released.

XIV. REPORTING DEADLINES UNDER THE ORDINANCE

July 1 — All departments must input and provide to the Director and the Controller all contracting data on each contract award pursuant to Section 12D.A.7(A) and (B) of the Ordinance. The contract award data shall ~~include~~consist of MBE/WBE/LBE goals, good faith efforts, and percentage breakdown of MBE/WBE/LBE participation.

Sep. 1 — Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.

Dec. 1 — Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.

Dec. 31 — All departments and contract awarding authorities report ~~annually~~ to the Mayor on their progress in the preceding fiscal year toward achievement of the MBE and WBE participation goals. Departments shall also report on the use of and the success or failure of their good faith efforts in meeting the MBE and WBE participation goals.

March 1 — Commission submits its annual report to Mayor, Board of Supervisors, Director of Administrative Services on the progress of the City towards meeting goals as set forth in Section 12D.A.3 of the Ordinance, including identification of problems and specific recommendations for: (1) discontinuing the race or gender conscious bid discounts in those cases where the bid discounts have remedied the identified discrimination against MBEs and WBEs; and (2) improving the City's performance in remedying the identified discrimination against MBEs and WBEs.

———— Director transmits to Board of Supervisors proposed amendments to Ordinance and ———— utilization indices.

Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.

———— Board of Supervisors acts on HRC recommendations by 2nd Board meeting in May.

June 1 — Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.

Annual — Director, annually or more often if necessary, analyzes data on "percent ~~availability~~ ~~of~~availability" of Reports ~~———~~ ~~MBEs~~of Reports MBEs and WBEs to identify successful areas; includes this information in March report to the Board of Supervisors.

XV. COMPLAINT PROCEDURES OF NONCOMPLIANCE BY CONTRACTORS AFTER CONTRACT ——— AWARD

A. Complaints

1. Written complaints may be filed with the Commission by any persons, as governed by Section 12D.A.16.(B) of the Ordinance, claiming to be aggrieved by a contractor or City department's noncompliance with the Ordinance.

2. Agencies, boards and commissions of the City and County of San Francisco, other than the Commission, may also file complaints under this section.

3. Written complaints challenging (a) the application of the MBE and/or WBE bid discounts to an industry or profession or (b) the granting of a bid discount to a particular MBE or WBE shall be filed pursuant to the procedures set forth in Section XVI and XVII.

4. Contents of Complaint

Complaints must be signed by the complainants or their authorized representative and must contain the following information:
(1) name and address (including phone number) of the complainant,
(2) name and address of the person who committed the alleged violation,
(3) a detail description of the act or acts considered to be a violation, and
(4) other pertinent information ~~which~~ that may assist in the investigation and resolution of the complaint.

5. Incomplete Information

Where a complaint contains incomplete information, the Director shall seek the needed additional information from the complainant. If the information is not furnished to the Director within sixty (60) days of such request, the case may be closed.

6. Place and Time of Filing

The complaint may be filed in person or by mail addressed to the Director at the Commission office. Such complaint should be filed as soon as practicable but must be filed within one hundred eighty (180) days from the date of the alleged violation, unless the time for filing is extended by the Director for good cause shown.

7. Amendment of Complaint

A complaint may be amended in writing by the complainant within five (5) business days of the filing of the complaint.

8. Withdrawal of Complaint

The complainant may withdraw a complaint by submitting to the Director a written declaration sworn under penalty of perjury that the complaint is being withdrawn.

9. Investigation

The Director shall institute a prompt investigation of each complaint and shall be responsible for developing a complete case record.

10. Resolution of Matters

~~11.~~ (a) If the complaint investigation shows no violation of the Ordinance or regulations, the ~~director~~Director shall notify the complainant, with copies to the department and/or the affected contractor/consultant. Within thirty (30) days after the receipt of notice, the complainant may request review by the Commission of such finding or decision.

~~12.~~ (b) Where the investigation indicates a violation of the Ordinance and/or the regulations, the Director shall follow the procedures for noncompliance set forth in Section XVII of the regulations.

~~13.~~ (c) Investigations shall be completed and written report filed within ninety (90) days of the date the complaint is filed.

XVI. PROCEDURES FOR CHALLENGING INDUSTRY- OR PROFESSION-WIDE MBE/WBE BID DISCOUNTS

A. Complaints

1. Written complaints challenging the application of the MBE and/or WBE bid discount to an industry or profession must be filed before commencing an action in a court of competent jurisdiction.

B. Contents of Complaints

A complaint filed pursuant to this section shall contain the following:

1. The full name, addresses and phone number of the complainant.

2. A plain and concise statement of the facts and evidence upon which the complainant relies for challenging the application of the MBE and/or WBE bid discount to an industry or profession.

3. Notarized affidavits, statistical studies or any other evidence upon which the complaint is based.

C. Time and Method of Filing

1. A complaint filed pursuant to Section XVI may be filed at any time.

2. The complaint may be filed in person or by mail addressed to the Commission office.

D. Amendment of Complaint

A complaint may be amended in writing by the complainant within five (5) days of the filing of the complaint.

E. Withdrawal of Complaint

The complainant may withdraw a complaint by submitting to the Director a written and notarized statement that the complaint is being withdrawn.

F. Actions by Director

1. Within fifteen (15) business days from the filing of a complaint the Director shall:

(a) review the complaint and evidence upon which the complaint is based; and

(b) respond to the complainant in the manner described in Sections XVI.F.2.

2. ~~(a)(1) If the Director's~~(a) If the Director, after his or her investigation ~~concludes~~has been completed, determines that the complaint establishes good cause to discontinue the challenged MBE, and/or WBE bid discounts to an industry or profession, the Director, with the advice of the City Attorney, shall issue a notice to all department heads, the Mayor, the Board of Supervisors and the Director of Administrative Service that, effective upon a date certain, the MBE and/or WBE bid discounts shall not be applied to the relevant industry or

profession pending a hearing by the Commission and action by the Board of Supervisors.

~~(a)(2)~~ (b) Within five (5) business days after the notice specified in Section XVI.F.2(a)~~(1)~~ is issued, the Director shall schedule the complaint for hearing before a hearing officer pursuant to Section XIX of these Rules and Regulations.

~~(b)~~(c) If the Director concludes that the complaint does not establish good cause to discontinue the challenged bid discount to an industry or profession, the Director shall so inform the complainant in writing. If the complainant makes a written request for a hearing within 30 ~~Days of being informed of~~days after receipt ~~the Director's~~ decision, of ~~decision,~~ such notice, the Director shall schedule the complaint for a hearing officer pursuant to Section XIX of these Rules and Regulations.

G. Priority

Pursuant to the Ordinance, a complaint filed pursuant to this section shall have priority for hearing over all other complaints filed pursuant to Section 12D.A of the Ordinance.

H. Decision of the Commission

1. Where the Commission finds, consistent with the requirements of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, that the MBE and/or WBE bid discounts cannot be applied to an industry or profession because MBE/WBE participation in the relevant City contracts has reached parity with the numbers in the relevant business ~~community;~~community, and that MBE/WBEs no longer suffer from a discrimination induced competitive disadvantage in the applicable industry or profession, the Commission shall:

(a) ~~(a)~~ issue a notice to all departments, the Mayor, the Director of Administrative Service and the Board of Supervisors that the challenged MBE and/or WBE bid discount shall be suspended; and

(b) ~~(b)~~ request the City Attorney to prepare legislation amending the Ordinance to delete the ~~challenged~~applicable MBE and/or WBE bid discount.

2. ~~2. In cases where~~Where the Commission finds that the complainant ~~does not sustain his or her burden of proof, the Commission~~has not produced evidence to establish that MBE/WBE participation in the relevant City contracts has reached parity with the numbers of available MBEs/WBEs in the relevant market, the Commission shall dismiss the complaint.

XVII. PROCEDURES FOR CHALLENGING MBE/WBE/LBE BID DISCOUNTS RELATED TO ~~AWARD OF CONTRACT~~CONTRACT AWARD.

A. Complaints

1. Written complaints challenging the granting of a bid discount to a particular MBE, WBE, and/or LBE on the basis that either the MBE, WBE, and/or LBE does not qualify for bona fide MBE/WBE/LBE ~~status, or whose~~status or the MBEs WBEs LBEs bid price is not attributed to the effects of past discrimination, shall be submitted to the Director according to the following procedures.

2. Any person or firm that has been aggrieved by the application of the MBE/WBE/LBE bid discount and that seeks to challenge the granting of a bid discount to a particular MBE, WBE or LBE shall file a complaint challenging the bid discount before commencing an action in a court of competent jurisdiction.

B. Contents of Complaints

A complaint filed pursuant to this section shall contain the following:

1. The full name, addresses and phone number of the complainant.

2. A plain and concise statement of the facts and evidence upon which the complainant relies for challenging the granting of a discount to a particular MBE, WBE or LBE.

3. Notarized affidavits, statistical studies or any evidence upon which the complaint is based.

C. Time and Method of Filing

1. A complaint filed pursuant to Section XVII. A. must be filed within the bid protest period applicable to the particular contract. If the complaint is not timely filed, it is waived

2. The complaint may be filed in person or by mail addressed to the Commission offices.

D. Amendment of Complaint

A complaint may be amended in writing by the complainant within five (5) days of the filing of the complaint.

F. Actions by the Director

1. Within fifteen (15) business days from the filing of a complaint, the Director shall review and investigate the complaint and the evidence upon which the complaint is based, and shall respond to the complainant in the manner described below.

2. If the Director finds that the complaint establishes by clear and convincing evidence that a particular MBE, WBE, LBE is not a bona fide LBE, the Director shall revoke or, where applicable, rescind the certification of the MBE, WBE or LBE. Only when the MBE, WBE, or LBE can demonstrate The Director shall notify the affected business in writing demonstrate within 3 business days of reaching his or her decision. The that HRC has disregarded the certification procedures set forth in the Rules and Regulation or that there is proof of a bona fide error, appeal to the Commission is allowable. notice shall set forth the basis for the revocation or denial of certification and the date on which the business will be eligible allowable. for certification, if appropriate. The notice shall be transmitted by certified mail or facsimile. The Director's decision is final and is not appelable may be appealed to the Commission as set forth in 12D.A.6 and 12D.A.B.2.

3. If the Director finds that the challenged MBE, WBE or LBE bid discount should be disallowed, the Director shall notify the complainant and complainant, the particular MBE, WBE or LBE and the affected department. The Director's decision may be Applebee appealed to the Commission as set forth in 12D.A.6 and 12D.A.B.2.

G. Priority

A complaint filed pursuant to this section shall have priority for hearing over all other complaints filed pursuant to Section 12D.A of the Ordinance except for those filed pursuant to Section XVI.

XVIII. PENALTY PROCEDURES FOR NONCOMPLIANCE

A. Noncompliance by Contractors after the Contract has been awarded

1. In cases where the Director believes that a contractor has acted in good faith but is in noncompliance, the procedures specified in Section 12D.A.16(B) of the Ordinance shall be followed.

2. Willful or Bad Faith Noncompliance by Contractors

(a) In cases where the Director has cause to believe that any bidder or contractor/consultant has willfully failed to comply with any of the provisions of the Ordinance and this regulations or contract provisions pertaining to MBE or WBE participation, the Director is empowered to conduct an investigation.

(b) An investigation initiated under Section XV shall be completed within ninety (90) days.

(c) If the investigation establishes that a contractor/consultant has willfully violated the provisions of the Ordinance or these regulations, the Director shall prepare a written Notification of Results of Investigation (NORI) within twenty (20) days of the completion of the investigation.

(d) The Director shall send the NORI to the contractor/consultant and shall also afford the contractor/consultant fifteen (15) days, to turn his or her response in writing upon receipt of the NORI.

(e) Within ten (10) days after the contractor/consultant timely submits his or her written response to the NORI, the Director shall schedule a meeting with the contractor/consultant to allow the contractor/consultant an opportunity to be heard informally with respect to the findings of the investigation.

(f) Within fifteen (15) days after the meeting with the contractor as set forth in Section XVIII.A.(2)(e) above, the Director shall issue his/her final written finding in the matter. In those cases where the Director finds that the contractor has willfully violated the provisions of the Ordinance, the Director shall impose sanctions as set forth in Section 12D.A.16(C) of the Ordinance.

(g) The contractor may appeal the Director's decision to the Commission within ten (10) days upon receipt of the Director's Findings. The hearing procedures set forth in Section XIX of these regulations shall apply to an appeal under this subsection.

(h) ~~(h)~~ An appeal by a contractor/consultant to the Commission shall not stay the Director's Findings.

B. Noncompliance by Contract Awarding Authority

1. ~~1.~~ If the Director has reason to believe that a City employee, officer, or department has willfully failed to comply with the Ordinance or these regulations, the Director shall conduct an investigation. Such an investigation shall be completed within forty-five (45) days.

2. ~~2.~~ If the Director finds willful noncompliance, the Director shall within twenty (20) days of

the completion of the investigation transmit a written Finding of Noncompliance, specifying the nature of the noncompliance to: (i) the contract awarding authority, (ii) the involved employee or officer, and (iii) the involved employee's or officer's appointing officer.

3. ~~3.~~ Within thirty (30) days after sending the Finding of Noncompliance the Director shall attempt to resolve the noncompliance through conciliation conferences.

4. ~~4.~~ Should the conciliation attempt fail, the Director shall, within twenty (20) business days thereafter, transmit to the Commission, the Board of Supervisors and the Mayor a copy of the Finding of Noncompliance along with a statement that conciliation was attempted and failed.

5. At the Commission meeting immediately following receipt of the ~~notice~~Finding of Noncompliance specified in Section XVIII.B.4, the Commission shall review the notice and vote to notify the contract awarding authority, the Mayor and/or the Director of Administrative Services of appropriate action to secure compliance with the Ordinance. The Commission may recommend specific disciplinary action that the contract awarding authority should take against any employee or official found to have willfully violated the provisions of the Ordinance or these regulations.

XIX. HEARING PROCEDURES

~~A. Upon the timely filing of a request for an appeal of the Director's Findings, the Director shall request the~~A. The Chair of the Commission ~~to appoint a person to serve as a Hearing Officer.~~ in consultation with the City Attorney, shall summarily dismiss any appeal in which the appellant fails to provide evidence demonstrating a substantial question requiring a full hearing to determine whether the Director's determination should be overturned. The Secretary of the Commission shall promptly inform the appellant of any such determination.

B. A hearing shall be set by the Hearing Officer within 30 Days of a request for an appeal before the Commission. Notice of the time, date and place of the hearing shall be made to the parties in writing by mail not less than 10 business days prior to the date of hearing, and shall inform the parties of their right to representation by counsel. The hearing officer may continue the hearing for a period not to exceed 30 days upon agreement of the parties or a showing of good cause.

C. The hearing shall be held at a time and place with due regard to the convenience of the parties and witnesses.

D. Authority and Responsibilities of Hearing Officer

The Hearing Officer shall propose findings and conclusions to the Commission on the basis of the record. In order to do so, he/she shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He/she shall have all powers necessary to those ends, including, but not limited to, the power to:

1. Hold conferences to settle, simplify, or determine the issues in the proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by the consent of the parties or upon his/her own motion;

2. Require parties to state their position with respect to the various issues in the proceeding;

3. Require parties to produce for examination those relevant witnesses and documents

under their control;

4. Administer oaths;

5. Rule on motions, and other procedural matters;

6. Regulate the course of the hearing and conduct of participants therein;

7. Examine and cross-examine witnesses and introduce into the record documentary or other evidence;

8. Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

9. Fix time limits for submission of written documents and extend time limits established by these regulations upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

10. Impose appropriate sanctions against any party or person failing to obey an order under these rules. Sanctions may include:

    (a) refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

    (b) excluding all testimony of an unresponsive or evasive witness or determining that the answer of such witness, if given, would be unfavorable to the party having control over him or her; and

    ~~———————~~ (c) barring any party or person from further participation in the hearing.

11. Take official notice of any material fact not appearing in evidence in the record that is among the traditional matters of judicial notice;

12. Request the ~~Director~~Commission to issue subpoenas;

13. Take any action authorized by these rules.

E. The parties or other persons participating pursuant to this section have the right to be represented by counsel.

F. Appearance of Witnesses

1. A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue, shall serve the prospective witness a notice. The notice may be accompanied by an administrative subpoena issued by ~~the Director,~~the, Commission setting forth the time, date and place at which the witness is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring to the hearing, if any. A copy of the notice shall be filed with the Hearing Officer and additional copies shall be served upon the opposing parties.

2. It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time, place, and date set forth in the notice,

if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

3. The party or prospective witness may file an objection within five (5) business days after the issue of notice specified in Section XIX.F.1, stating with particularity the reasons why the party cannot produce a requested witness or requested documents. The party serving the notice may move for an order with respect to such objection or failure to produce a witness or documents.

G. Evidence; Testimony

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative, relevant, and material evidence available shall be applied. Testimony shall be given orally by witnesses at the hearing. A witness shall be available for cross examination, and, at the discretion of the Hearing Officer, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The Hearing Officer may exclude evidence that is immaterial, irrelevant, or unduly repetitious.

H. Objections; Exceptions; Offer of Proof

1. If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross examination or the failure to limit such scope, he or she shall state briefly the grounds of such objection. Ruling on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

2. Formal exception to an adverse ruling is not required. Rulings by the Hearing Officer shall not be appealed prior to the transfer of the case to the Commission, but shall be considered by the Commission upon the filing of exceptions to the Hearing Officer's recommendations and conclusions.

3. An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence ~~which~~ that counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

I. Ex Parte Communications

The Hearing Officer shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the City and County of San Francisco engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the Hearing Officer's or Commission's decision in the case, except as witness or counsel in the proceeding.

J. Oral Argument

Prior to the termination of the hearing any party is entitled to request oral argument. Oral arguments shall be included in the official transcript of the hearing.

K. Official Transcript

The official transcripts of the testimony taken, together with any exhibits, briefs, or memoranda of law, shall be filed with the Hearing Officer. The parties and the public as provided by state law may obtain transcripts of testimony from the official reporter. Upon notice to all parties, the Hearing Officer may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

L. Participation by Interested Persons

1. Interested persons shall have the right to participate as parties to the proceeding if the final decision by the Commission could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

2. Any persons wishing to participate as a party under this section shall file with the Hearing Officer and serve on all parties a petition within twenty-five (25) days after the commencement of the appeal or at such other time as ordered by the Hearing Officer, so long as it does not disrupt the proceeding. Such petition shall concisely state (a) petitioner's interest in the proceedings; (b) who will appear for the petitioner; (c) the issues on which the petitioner wishes to participate; and (d) whether petitioner intends to present witnesses.

3. The Hearing Officer shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by persons with common interest, the Hearing Officer may request all such petitioners to designate a single representative to represent all such petitioners. The Hearing Officer shall give each petitioner written notice of the decision on his/her petition and if the petition is denied the Hearing Officer shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Hearing Officer shall give written notice to each party of each petition granted.

4. Any interested person wishing to participate as amicus curiae shall file a petition before commencement of the hearing by the Hearing Officer. Such petition shall concisely state: (a) the petitioner's interest in the hearing; (b) who will represent the petitioner; and (c) the issues on which petitioner intends to present argument. The Hearing Officer may grant the petition if he or she finds that the petitioner has a legitimate interest in the proceedings and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided herein.

5. An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Hearing Officer. He/she may submit a written statement of position to the Hearing Officer prior to the beginning of a hearing and shall serve a copy on each party. She/he may submit a brief or written statement at such time as the parties submit briefs and exceptions and shall serve a copy on each party.

XX. POST-HEARING PROCEDURES

A. Proposed Findings of Fact and Conclusions of Law

Within twenty (20) business days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Hearing Officer. Requests for additional time in which to file shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions of time shall be received not later than three (3) business days before the date such briefs are due. No reply brief

may be filed except by special permission of the Hearing Officer.

B. Record for Recommended Decision

The transcript of testimony, exhibits and all papers, documents and requests filed in the proceedings, including briefs, but excepting any correspondence regarding procedural matters, shall constitute the record for decision.

C. Recommended Decision

Within a reasonable period of time after the filing of briefs, the Hearing Offer shall recommend findings, conclusions, and a decision. These recommendations shall be forwarded, together with the record to the Commission for final decision. The recommended findings, conclusions and decision shall be served on all parties and amici to the proceeding.

D. Exceptions to the Recommended Decision

Within fourteen (14) business days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within fourteen (14) business days of their receipt by said parties. All exceptions and responses shall be filed with the Commission. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Commission for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later that three (3) business days before the exceptions are due.

XXI. ACTION BY THE COMMISSION

A. After expiration of the time for filing briefs and exceptions, the Commission shall make a final decision, on the basis of the record. The record shall consist of the record for the recommended decision, the rulings and recommended decision of the Hearing Officer and the exceptions and briefs filed subsequent to the Hearing Officer's decision.

B. The Commission may hear oral argument by the parties if it decides that such argument will aid in the resolution of the issues.

C. After hearing oral argument, if such argument is permitted, and after full discussion of the record, the Commission shall vote to adopt, reject, or adopt with modifications the Hearing Officer's recommended decision concerning the Director's Findings. The Commission may take such additional action as will effectuate the purposes of the Ordinance and its decision shall constitute the final administrative action in the case.

~~(home - 12D Rules and Regulations doc)~~

draft

RULES

AND

REGULATIONS

MINORITY/WOMAN/LOCAL BUSINESS UTILIZATION ORDINANCE CHAPTER 12D.A. OF THE SAN FRANCISCO ADMINISTRATIVE CODE.

Effective Date: November 12, 1998
Revised 5/12/00

SUMMARY: The Human Rights Commission ("HRC") adopts these rules and regulations pursuant to Sections 12D.A.6(A) 4 and 12D.A.6(A)(8) of the Minority/Woman/Local Business Utilization Ordinance (MBE/WBE/LBE Ordinance - IV) codified as Administrative Code Chapter 12D.A. These regulations supersede all existing Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), and Local Business Enterprise (LBE) regulations and administrative requirements concerning MBE/WBE/LBE programs that the Human Rights Commission or any other department of the City and County of San Francisco has issued prior to the effective date of these regulations.

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I. DEFINITIONS

The below listed definitions are **supplements** to those set forth in Section 12D.A.5 of the Ordinance. Please refer to those definitions when consulting these regulations.

"African American" shall be defined as any person whose ancestry is from any of the Black racial groups of Africa or the Caribbean.

"Broker" of construction materials, equipment and supplies shall mean a firm that purchases and sells, but does not regularly take possession of stock materials and is not a 'supplier'.

"Commercially useful function" shall mean that the business is directly responsible for providing the materials, equipment, supplies, services and personnel to the City as required by the solicitation or request of quotes, bids or proposals. MBEs, WBEs or LBEs that engage in the business of providing brokerage, referral or temporary employment services shall not be deemed to perform a "commercially useful function" unless the brokerage, referral or temporary employment services are those required and sought by the City.

"Day" or "days" when referring to a time period within which an action must be taken shall mean calendar days unless otherwise specified.

"Good-faith efforts" when required of a contract awarding authority or department is defined in Section 12D.A.5 of the Ordinance.

"Native American" shall be defined as any person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

"Ordinance" shall refer to Ordinance No. 296-98, known as the Minority/Woman/Local Business Utilization Ordinance - IV and codified as Chapter 12D.A of the San Francisco Administrative Code.

"Specialty Contractor" shall mean any contractor who is licensed with the California State Contractors License Board and is not a 'A' or 'B' licensed contractors.

"Supplier" shall mean a firm with the financial and physical capability to purchase, to stock, to distribute or to sell. The supplier shall stock the types and number of items consistent with the relevant industry practice, and have appropriate invoices and inventory located within the boundaries of the City and County of San Francisco.

"Waiver" shall refer to an action by the Director excusing a department's duty to: (1) use good faith efforts to solicit and obtain quotes, bids or proposals from MBEs and WBEs; and/or (2) apply MBE, WBE, and/or LBE bid discounts to a particular contract in accordance with Section 12D.A.15 of the Ordinance. A waiver is limited to the term of the contract for which the waiver is sought.

II. POWERS AND DUTIES OF THE HUMAN RIGHTS COMMISSION

A. The Commission's powers and duties are set forth in Sections 12D.A.6(A) and (D), 12D.A.7(C), 12D.A.8(3), 12D.A.16(B) and (C)(1)(d)(3), 12D.A.17(H), and 12D.A.18(B) of the Ordinance.

B. The Chair of the Commission shall appoint a community advisory committee of not less than 11 members, comprised of persons from local business groups, city or federal governmental agencies and community organizations. The committee shall meet at least quarterly and at the call of the Chair of the committee. The Chair of the committee shall be a member of the Commission. The purpose of the committee is to advise the Commission on policy matters pertaining to the Ordinance.

C. The Commission, through its staff, shall gather data on ethnic and industry subgroups and compile a list of contractors/consultantsto determine the availability and under-utilizationof local contractors/consultantsin a particular industry under each subgroup.

III. POWERS AND DUTIES OF THE DIRECTOR OF THE HUMAN RIGHTS COMMISSION

A. The powers and duties of the Director are set forth in Sections 12D.A.6(B), (C), (D) and (E), 12D.A.7(A), (C) and (D), 12D.A.(8)(3), 12D.A.9(A)(15), (D)(8), (F) and (G), 12D.A.11(C), 12D.A.12(C), 12D.A.13(C), 12D.A.14, 12D.A.15(A) and (B), 12D.A.16, 12D.A.17(C), and (G), and 12DA.18(A) of the Ordinance.

B. In addition to the powers and duties set forth in the Ordinance the Director shall also:

1. Notify the Commission of complaints.
2. Notify the Commission of noncompliance issues.
3. Report to the MBE/WBE/LBE Advisory Committee on all waivers and summary of official complaints relating to the Ordinance.
4. Work with departments and the Controller to ensure prompt payment to MBEs, WBEs and LBEs as provided by Sections 12D.A.6(B)(5), 12D.A.7(D), and 12D.A.9(A)(12) of the Ordinance.
5. Expedite the handling of prompt payment complaints and monitor complaints of prime contractors/consultants with the City and of subcontractors/sub-consultants with prime contractors/consultants.
6. Monitor the level of MBE and WBE subcontractor/sub-consultantparticipation specified in a prime contract. In case of noncompliance, the procedures provided by Section 12D.A.16 of the Ordinance and Sections XV, XVII, XVIII, and XIX of the Rules and Regulations will apply.
7. Have such powers and duties as are provided by these regulations.

C. The Director shall require construction prime contractors and professional services prime consultants to pay their subcontractors/sub-consultants within 3 days of receipt progress payment from the city.

D. At least quarterly, the Director shall initiate random audits of prime contracts, including joint ventures contracts, awarded in the previous quarter.

IV. POWERS AND DUTIES OF DEPARTMENTS

A. The powers and duties of departments are set forth in Sections 12D.A.7(D), 12D.A.9, 12D.10(B), 12D.A.11(B), 12D.A.12 (B), 12D.A.13(B), 12D.A.14, 12D.A.17(B) and 12D.A.18(D) of the Ordinance.

B. When a department receives bids on a proposed project, the bids of each certified MBE/WBE/LBE shall be reduced by an amount equal to five percent (5%), seven and one half percent (7 1/2%), or ten percent (10%) of that business' bid as set forth in 12D.A.9(A)2.

C. The award of consultant or Professional Services contracts is governed by Sections 12D.A.12(B) and 12D.A.13(B) of the Ordinance. In addition to the provisions contained in that Section:

~~1.~~ All draft Request for Qualifications (RFQs) and Request for Proposals (RFPs), evaluation criteria and San Francisco Administrative Code 12DA requirements should be submitted to HRC for review prior to advertisement.
2. The Department shall provide HRC with 10 business days notice of the dates and times of the selection process. HRC staff may be present throughout the entire selection process. For those departments without an assigned Contract Compliance Officer, the

Director will decide the need for presence of HRC staff.

3. The composition of consultant selection Panels shall include individuals who reflect the ethnic and gender made up of San Francisco. A brief summary of the ethnicity/gender and expertise of each panel member should be submitted to the HRC for review not less than 10 business days prior to the proposals due date.
4. The Commission urges contract awarding authorities to instruct selection panelists not to discuss among themselves rankings or ratings of consultants until after the selection process has been completed. If the Director finds that talking among selection panelists results in discrimination in the selection process, the Director shall intervene in that process to correct discriminatory practices as set forth in sections 12D.A.12 and 12D.A.13 of the Ordinance.
5. The Commission urges contract awarding authorities not to use fees or cost estimates of services as scoring criteria in consulting and professional services.
6. The Commission further urges the contract awarding department not to inform the panel members of the identities of firms that are eligible for the rating discounts at any stage of the selection process.
7. Each evaluator will score each consultant on a predetermined point system, or other system that permits the application of bid discounts at each stage of the selection process, in a fair and objective fashion.
8. After each consultant's oral interview is completed, panel members shall tally their respective raw scores.
9. The awarding department will immediately forward the original score sheets from each panel member to the HRC for review.
10. The Department shall issue a letter to HRC listing the ranking, score, and the rating discount of each consultant not less than 5 business days after the department applies the bid discounts.
11. After consulting with the Director and upon determination by the department that those negotiations were undertaken in good faith with the aforementioned MBE or WBE consultant, a department may award the contract to another competing proposer unless the Director finds that the Department's failure to award the contract to a higher ranking MBE or WBE is the result of an effort to circumvent the purposes of the Ordinance. Upon any such finding by the Director, the Director shall intervene in the selection process to correct any discriminatory contracting processes as set forth in Sections 12D.A.12 and 12D.A.13 of the Ordinance.

D. Each department shall be responsible for having a specified location for inquiries as to the awards made by that department.

E. Departments shall count prime MBE/WBE participation toward meeting MBE and WBE requirements as follows:

1. The total dollar value of the contract awarded to the MBE or WBE is counted toward the applicable MBE or WBE participation goal.

2. The total value of a contract with a business owned and controlled by a minority woman is counted 75% toward meeting the MBE goal and 25% toward meeting the WBE goal.

F. In the solicitation of bids for contracts where formal bidding is not used the department shall:

1. For construction/facility maintenance contracts under $50,000, obtain at least three (3) written bids. Bids should be solicited in the following priority: (a) MBE or WBE, (b) joint ventures with MBE or WBE, (c) LBE, and all other firms. The appropriate discount point will be awarded depending on whether the bidder is a MBE, WBE, and/or LBE, as set forth in Section 12D.A.9 of the Ordinance.

2. For professional service contracts, contact at least three (3) firms listed in the MBE/WBE Directory that perform that type of work. Thereafter, the solicitation priorities outlined in IV.F.1 above should be followed.

3. The department shall inform the Director of any modification to contracts covered by this Section IV.F. The Director shall intervene in that selection process to correct any discriminatory practices if he/she finds that the department is attempting to circumvent the purposes of the Ordinance through the modification.

G. Departments shall include the relevant HRC attachments with the solicitation for bid or request for proposal documents. The HRC attachments for construction, A/E consulting contracts, purchasing, general and professional services shall explain in detail the applicable procedures that govern the procurement process. Proposers of A & E or professional services contracts must complete and submit all applicable HRC Forms in separate sealed envelope and be submitted with the proposal.

H. Bid discounts shall not be applied to MBEs or WBEs that provide brokerage, referral or temporary employment services unless the request for proposal or bid specifications specifically states the need for these services in the proposed project.

I. Each department shall designate a liaison who shall be responsible for monitoring the prompt payment of invoices received from MBEs, WBEs, and LBEs for work performed on City contracts and for working with the Director and Controller in implementing the prompt payment policy set forth in Sections 12D.A.6(B)(5), 12D.A.7(D) and 12D.A.9(A)(12) of the Ordinance.

J. If the prime contractor fails to comply or partially complied with its commitment to use MBE/WBE subcontractors listed, under section 12D.A.9(D)6, the prime contractor shall compensate the listed MBE/WBEs who were not used as committed by paying 5% of the committed amount or 5% of the remainder of the unfulfilled committed amount under the following conditions:

1. when there is no change order by the awarding department that changed the identified scope of work for the listed MBE/WBEs, and

2. when there is no dispute in the work performed by the listed MBE/WBEs with the prime contractor.

K. Departments are encouraged to expand their pool of prime contractors/consultants and to encourage prime contractors/consultants to expand their pool of subcontractors and sub-consultants whenever possible.

L. DIVERSITY TRACKING SYSTEM

1. The Director shall establish, and from time to time may amend what information he or she needs from the departments identify on-going discrimination in the City's Contracting program and to report to the Mayor and the Board of Supervisors as required by the Ordinance. The Director shall notify all departments in writing of what information the department must enter into the Citywide Diversity Tracking System and the timeframes for entering the required data into the Diversity Tracking System.

2. All City departments shall be in contact with the Director to determine whether they need to undergo training to comply with the Diversity Tracking System reporting requirements.

3. Consistent with Board Resolution No. 243-00, all departments shall submit to the Board of the Supervisors and the Director strategic plans detailing their allocation of resources to comply with the Citywide Diversity Tracking System reporting requirements.

4. All departments shall input accurately and completely the required contracting information into the Citywide Diversity Tracking System on a timely basis.

5. Any department that fails to input accurate and complete contracting information shall be reported to the Mayor and the Board of Supervisors in the Director's Quarterly report. Consistent failure to input accurate and complete information shall be treated as willful non-compliance under Section 12D.A.16(E).

V. CERTIFICATION - MBEs/WBEs

A. Section 12D.A.6(B)(1) of the Ordinance empowers the Director to certify businesses as bona fide MBEs/WBEs/LBEs. In order to be certified as an MBE, WBE and/or LBE the business must meet the definition of MBE, WBE and/or LBE as provided by Section 12D.A.5 of the Ordinance.

B. Bona fide minority group membership shall be established on the basis of the business owner's claim, under penalty of perjury, that he or she is a member of a minority group identified in the 12D.A Ordinance. Applicants are to submit evidence of ethnicity and/or gender of owner(s). The Director may also request production of any records that support a claim that the owner is a member of a minority group identified in the Ordinance.

C. An eligible MBE or WBE shall be an independent business. In determining whether a business is independent, the HRC shall examine the adequacy of the business' resources for the scope of work under a proposed contract, its financial independence, the extent of its equipment leasing, and its relationships with non-minority firms.

D. A MBE or WBE firm shall not enter into any formal or informal agreement that restricts or limit the customary management discretion or authority as a business owner.

E. If there are part-owners of the firm who are not minorities or women and who are disproportionately responsible (according to percent or degree of ownership) for the operation of the firm, then the firm is not controlled by minorities or women and shall not be considered as an eligible MBE or WBE. Where the actual day-to-day management of the firm is handled by individuals other than the owner, those persons who have the ultimate power to hire and fire the managers shall be considered as controlling the business.

F. All securities evidencing full or partial ownership and/or control of a business entity for purposes of establishing it as a MBE or WBE shall be held directly by minorities or women.

G. To qualify as a MBE or WBE, the minority and/or woman owners must have made real and substantial contributions of capital and expertise to acquire their interests in the firm. Examples of insufficient contributions include a note payable to the firm or to other part owners who are neither minorities nor women. Participation of a minority or woman "owner" as an employee without management authority in the firm seeking to be certified, is insufficient to qualify as a MBE or WBE.

H. The MBE/WBE shall possess a valid California license for the type of work it performs, if such license is required by State law. Applicants are to submit proof of applicable professional licenses as well as proof that the minority and/or woman owner is the license qualifier. For businesses that do not require a

license, the minority and/or woman owner must have training, education and work experience in that type of business.

I. A business requesting to be certified as a MBE or WBE shall supply the HRC with all such additional information as the Director may deem relevant in order to make a determination of such status.

J. The owner of the firm shall sign a declaration swearing to the truth and accuracy of all statements and information submitted to the HRC in applying for certification.

K. A change in ownership of a firm from majority to all or mostly all minority ownership will be carefully scrutinized. The following factors shall be considered:

1. the reasons for the timing of the change in the ownership of the business relative to the time that bids are opened or proposals are considered;

2. whether the new minority or woman owner previously served as an employee of, or in any other subordinate relationship to the other non-minority male owners;

3. whether the interest of the non-MBE or non-WBE is consistent with the ownership and control requirements of the Ordinance.

L. A prime contractor or subcontractor must already be certified as a MBE or WBE when submits his or her bid to qualify for bid discounts or to qualify to meet the M/WBE subcontracting goal. Any firm that is in the process of appealing the Director's denial of certification or revocation of certification for other contracts shall not be considered as a MBE or WBE for any bid submission until the process is finalized.

M. All certified MBEs/WBEs shall submit to HRC annually after submittal of its Federal Income Tax Returns all documentation required to support the continuing certified status of that business. Failure to provide the appropriate documentation as required under this paragraph may result in suspension of the business certification.

N. A certified MBE/WBE trucking entity must possess the appropriate motor vehicle registration, in its own name, for all trucks and/or trailers to be used in the work. Each trucker must possess an appropriate driver's license in his or her own name.

O. No business or individual business owner shall be eligible for certification as a bona fide MBE/WBE if it was previously certified as an MBE/WBE and subsequently obtained average gross annual receipts over the course of three consecutive fiscal years that exceed the limits set forth for an economically disadvantaged business, under Section 12D.A.5 of the Ordinance, unless: a) 1 full year has elapsed since the business graduated or was decertified; and b) it can demonstrate that its average gross annual receipts for the three consecutive years immediately proceeding its re-application have fallen below the thresholds set forth in the Ordinance.

P. To qualify as an MBE or WBE, a business must also meet the criteria set forth for LBEs in the Ordinance and these regulations.

VI. CERTIFICATION - LBEs

A. Bona fide Local Business Enterprise (LBE) status shall be established on the basis of the owner's claim, signed under penalty of perjury by the owner or authorized agent of the business seeking LBE status, that the business' office is located within the City and County of San Francisco. The business must meet the definition of LBE as provided by Section 12D.A.5 of the Ordinance and must meet the requirements of Section 12D.A.6(B)(1) of the Ordinance.

B. In addition to the requirements set forth in the Ordinance, a business that seeks to be certified as a LBE must also establish that:

1. The business is an economically disadvantaged business that is an independent and continuing business for profit and performs a commercially useful function;

   (a) The applicant must submit his/her complete business and/or individual Federal Income Tax returns for the past three most recent years.

   (b) The LBE certification requirement that the applicant business be an "economically disadvantage business" within the definition provided by Section 12D.A.5 of the Ordinance may not be met by any individual business enterprise under common ownership, in whole or in part, with other businesses where the aggregate gross annual receipts of the combined businesses under common ownership would not meet the definition of "economically disadvantaged business" under Section 12D.A.5 of the Ordinance.

2. The applicant must transact and operate business daily in the San Francisco office, and the business must be located and doing business in San Francisco for at least six (6) months preceding its application for certification as a local business.

4. The business is listed in the Permits and License Tax Paid File with San Francisco business street address and possesses or is eligible to receive a current Business Tax Registration Certificate at the time of the application for certification as a local business.

   (a) The applicant for certification must submit a copy of his/her current Business Tax Registration Certificate issued by the City Tax Collector, along with a copy of the application form filed with the San Francisco Tax Collector's Office (EZ) and a copy of the current W-3 form, showing his or her current local business location.

   (b) Post Office box numbers, commercial mailbox service, or residential address when the firm has an office outside of San Francisco shall not suffice to establish status as a 'Local Business'.

   (c) Businesses with offices outside of the City and County of San Francisco that seek to be certified as a LBE must also establish that: The calculation of San Francisco local business taxes paid by the LBE must have been based upon employees actually assigned permanently to, and working from the local office. A local office without permanently assigned employees who actually utilize that office to facilitate their work, shall not be deemed a local office within the meaning prescribed by the Ordinance. A local office must possess indicia of actual operational utilization by the LBE firm, including but not limited to the performance of clerical tasks on a daily basis, the performance of payroll administration at the location, the existence of staff and the presence of a wide range of typical office equipment. In addition to the City and County of San Francisco Payroll Tax records, the applicant must submit a DE-6, Quarterly State Wage & Withholding Report. Upon request, the LBE shall furnish the Director with payroll records for the local office, that demonstrate that the tasks described above have been performed by employees working in that office.

4. An arrangement for the right to use an office space on an 'as needed' basis where there is no office exclusively reserved for the firm does not qualify as an 'office'.

   (a) The applicant must submit a rental agreement for the office space/home, rent

receipt or canceled check (if owned, include property tax or deed statement showing ownership), blank business invoice, company letterhead; and business card for owner.

(b) The applicant must submit copies of correspondence with the accompanying envelopes addressed to the local business address, i.e. bills, bid and/or RFP solicitations, and contractor communications, and correspondence from the local business address, i.e. invoices, bids, RFPs, communications to customers or contractors.

5. The business location, unless located in a residence, must prominently display the name of the firm.

6. The type of business ownership (sole proprietorship, partnership, or corporation) must be specified and substantiated through documentation provided to the HRC.

C. A business that is located in a residence and that seeks to be certified as a local business in San Francisco must additionally substantiate that;

1. no office is located outside of the home for this business activity;

2. the income tax return filed for the previous year claimed a business deduction for this office unless necessary documents are provided to the HRC that the business is newly established.

D. Applicants are to submit a complete recent telephone bill, showing the business name, local address, and telephone number. The name and local address must appear in the non residential white pages of the San Francisco Telephone Directory, unless applicants provide necessary documents to HRC to prove that the business was established after the publication deadline.

E. Applicants must possess the appropriate equipment and personnel for the type of business for which certification are sought.

F. Applicants must submit city payroll tax records to the HRC office as part of the certification requirements.

G. Applicants shall supply the HRC with all such additional information as the Director may deem relevant in order to make a determination of such status.

H. A prime contractor or subcontractor must be certified as a LBE at the time of the bid submission to qualify for bid discount. Any firm that is in the process of appealing the Director's denial of certification or revocation of certification for other contracts shall not be considered as a LBE for any bid submission.

I. All certified LBEs shall submit to the HRC, after submittal of its annual Federal Income Tax returns all financial statements including all required documentation to support the continuing certified status of that business. Failure to provide the appropriate documentation as required under this paragraph may result in suspension of the business' certification.

J. A certified LBE trucking entity must possess the appropriate motor vehicle registration, in its own name, for all trucks and or trailers to be used in the work. Each trucker must possess an appropriate driver's license in his or her own name.

VII. APPEAL PROCEDURES FOR DENIAL OR REVOCATION OF M/W/LBEs CERTIFICATIONS

A. When the Director denies an application for or revokes the certification of a business as a MBE, WBE, or LBE because the business is not a bona fide MBE, WBE, or LBE, the Director shall, within three business days of his/her decision, notify the aggrieved business in writing of the basis for revocation or denial of certification and the date on which the business will be eligible to reapply for certification.

B. The notice shall be transmitted to the business via certified mail and/or via facsimile, and the notice shall apprise the business of its right to appeal the decision to the Commission.

C. The Director shall require a business to wait at least six months but not more than two years after the denial or revocation before reapplying to the Director for certification as a MBE, WBE or LBE.

D. A business may appeal the Director's denial or revocation of certification of a business as an MBE, WBE or LBE to the Commission.

E. Any appeal to the Commission under this section must be filed with the Commission within three business days following receipt of the Director's decision.

F. The Commission shall appoint a hearing officer to review the certification application no later than 30 days after receipt of notice of appeal. The hearing officer's decision shall be final.

VIII. REGISTRY

Upon request of applicable businesses, HRC will do the following:

A. The HRC will register minority-owned businesses and woman-owned businesses that are economically disadvantaged, that do not maintain offices within the geographical boundaries of the City & County of San Francisco.

B. The HRC will register local MBEs & WBEs that are non-economically disadvantaged.

C. The HRC will register non-economically disadvantaged local firms that have offices within the geographical boundaries of the City & County of San Francisco.

D. The HRC will register local brokers of construction materials, equipment, and supplies; however, local brokers will not be certified.

IX. JOINT VENTURES

A. A business that is bidding or competing for City contracts may associate with a certified MBE or WBE businesses to compete for contracts as a joint venture. A joint venture should be between two entities with the same discipline or license as required by the awarding department. Joint ventures receive bid discounts depending upon the MBE or WBE percentage of participation as set forth in Section 12D.A.9(A)(2) of the Ordinance.

B. Application of Bid Discounts Joint Ventures - Construction

To be eligible for a bid discount, at the time of bid submittal, each joint venture partner must hold a Joint Venture License and each must have the license that is appropriate for the project as required in the Contract Document of the contract award authority.

C. If a joint venture is bidding on a single trade project, at the time of bid submittal, each of the joint venture partners must hold a Joint Venture License and possess the requisite specialty license for that trade bid.

D. The MBE or WBE partner must clearly define the portion of the works to be performed during the project. This work must be of the similar type of work the MBE or WBE partner performs in the normal course of its business. The Joint Venture Participation Form (HRC Form Number 4) must specify the project bid Items to be performed by each individual joint venture partner. Lump sum joint venture participation is not acceptable.

E. Each member of the joint venture must perform a "commercially useful function" as that term is defined by Section 12D.A.5 of the Ordinance. An MBE or WBE that relies on the resources and personnel of a non-MBE or WBE firm will not be deemed to perform a "commercially useful function."

F. Unless permission is granted by the Director for good cause shown, based on sudden and unexpected necessity, the following are not allowed: i) the non-MBE/WBE partner performing work for the MBE/WBE partner; ii) leasing of equipment or property by the MBE/WBE partner from the non-MBE/WBE partner; and iii) the hiring of the non-MBE/WBE partner's employees by the MBE/WBE partner.

G. Responsibilities of the MBE or WBE partner.

1. The MBE or WBE partner must share in the ownership, control, management responsibilities, risks, and profits of the joint venture in proportion with level of participation in the project.

2. The MBE/WBE partner must perform work that is commensurate with its experience.

3. The MBE/WBE partner must use its own employees and equipment to perform its portion of the project.

4. For construction contracts only, the joint venture as a whole, must perform labor that equals or exceeds 25 percent of the total dollar value of the contract in order to be eligible for a joint venture bid discount.

H. A joint venture must submit a Joint Venture Management Plan and/or a Joint Venture Agreement, containing but not limited to the following:

1. A detailed explanation of the financial contribution of each partner.

2. A list of the personnel and equipment used by each partner.

3. A detailed breakdown of the responsibilities of each partner.

4. An explanation how the profits and losses will be distributed.

5. A description of the bonding capacity of each partner.

6. Any management or incentive fees available for any one of the partners.

I. The Director must first approve the MBE/WBE Joint Venture Management Plan before the joint venture is eligible for bid discounts. Any changes in the joint venture management plan, must also receive the prior approval of the Director.

J. A business requesting to be approved as an MBE/WBE joint venture shall supply the HRC with all such additional information as the Director may deem relevant in order to make a determination of the joint venture's status.

K.. Each MBE/WBE joint venture must provide, in addition to any other information required by these regulations, a completed HRC Form 8 and invoices, cancelled checks and any other financial records to the Director to determine whether both joint venture partners are actively involved in the project.

X. PROCEDURES FOR THE GRANTING OF REQUESTS FOR WAIVERS OF THE RACE- AND GENDER-CONSCIOUS BID DISCOUNTS AND GOOD FAITH EFFORTS

A. Section 12D.A.15 of the Ordinance gives the Director the power to waive the race and gender-conscious bid discounts and good faith effort requirements of the Ordinance under the following circumstances:

1. Sole Source waivers. A waiver shall be granted if the Director finds, with the advice of the department that, there is only one vendor readily available to supply the needed goods or services to the City and the prospective contractor is not disqualified from doing business with the City.

2. Emergency contract waivers. The Director shall immediately grant a waiver if the department certifies in writing to the Director, prior to the Controller's certification of the contract that:

   (a) the contract is necessary to respond to an emergency that endangers the public health or safety and;
   (b) there is no time to apply the bid discounts or no MBEs and/or WBEs capable of performing the work are immediately available.

3. Local business bid discount waivers. The Director shall waive the local bid discount for contracts in excess of five million dollars if the Director finds that:

   (a) sufficient, qualified LBEs capable of providing the needed goods and services required by the contract are unavailable; and sufficient qualified businesses outside San Francisco are available; or
   (b) the application of the LBE bid discount would result in significantly higher additional costs to the City if the waiver of the bid discount is not granted.

B. Departments are encouraged to keep lists of MBEs, WBEs and LBEs to use in emergency situations.

C. Emergency situations are distinct from those occasions when there is time, no matter how limited, to contact several contractors and receive bids, even though the work must start as soon as possible. In those cases departments are required to apply bid discounts and to make good faith efforts to utilize MBEs and WBEs. Emergency waiver requests in these kinds of situations are inappropriate. If the Director finds that a department certified that an emergency existed in a non-emergency situation, the Director shall follow the appropriate non compliance procedures set forth in Section XVIII (B) of these regulations.

D. Requests for waivers should be made only on Waiver Request Forms, which are available from the HRC. These forms must be filled out completely and the requested documentary information attached. If an emergency waiver is being requested, the nature of the emergency must be noted on the form.

E. A request for a sole source or local business discount waiver must be submitted prior to the award of a contract. No sole source or local business waiver will be granted if the request is submitted after

the contract has been awarded.

F. The HRC shall respond to sole source and local business bid discount waiver requests within five (5) business days after receipt of the request.

G. If a sole source or local business waiver request is approved, the department may continue the procurement process on the specific contract for which it requested a waiver and is not required to apply the bid discounts or make the good faith efforts required by the Ordinance.

H. If a sole source or local business waiver request is denied, the department must follow the mandates of the Ordinance.

XI. PROCEDURES FOR THE GRANTING OF CONTRACT MODIFICATIONS

A. It is the responsibility of the contract awarding authority to provide the Director with written notices of all contract amendments, modifications, supplements and change orders that cumulatively result in an increase or decrease of the contract's dollar amount of more than 10%. Such notice shall be provided within 10 days of each such contract modification. All contract amendments, modifications, supplements and/or change orders that cumulatively increase by more than 20% the dollar value of all contracts originally valued at $50,000 or more shall be subject to prior approval of the Director. The Director shall review the proposed amendments, modifications, supplements and/or change orders to correct contracting practices that exclude women or minorities from new contracting opportunities. The department must submit to the Director a Contract Amendments, Modifications or Supplemental Change Orders Approval Form including:

(1) copies of contract amendments, modification, supplements, and/or change orders leading up to 20% of the original contract dollar;

(2) a spreadsheet with a breakdown of the list of contractors and subcontractors working on the change order with the contract dollars for each individual firm(s); and

B. Upon receipt of all the required documentation, the Director shall provide the requesting department his or her determination regarding the proposed amendments, modification, supplements or change orders within 2 business days of HRC's receipt of the request. If the Director fails to respond to the request within the specified time frame, the request shall be deemed approved.

XII. PROCEDURES FOR THE GRANTING OF REQUESTS FOR WAIVERS OR REDUCTION OF THE MBE AND WBE SUBCONTRACTOR PARTICIPATION GOALS

A. Sections 12D.A.6(B)(10), 12D.A.15, and 12D.A.17(E)-(H) of the Ordinance give the Director the power to waive or reduce the MBE and WBE subcontractor participation goals.

B. A contract awarding authority that requests for a waiver or reduction of the MBE and WBE subcontracting goals pursuant to Sections 12D.A.6(B)10, 12D.A.15, or 12D.A.17(E)-(H) of the Ordinance, must provide a written request to the Director at least ten (10) business days prior to the solicitation of bids.

C. A bidder or prime contractor/consultant that requests a waiver or reduction of the amount of the MBE and WBE subcontractor participation goals must provide a written request to the Director at least fourteen (14) business days before bid opening.

D. The Director may grant waivers or reduction of the MBE and WBE subcontractor participation goals under any of the following circumstances:

1. It is unfeasible for the bidder contractor/consultant to subcontract out to other businesses due to the nature of the contract.

2. Qualified MBEs/WBEs are unavailable despite the department's or bidder contractor/consultant's good faith efforts to locate them.

3. The available MBEs and WBEs have given price quotes that are unreasonably high in that they exceed competitive level amounts that can be attributed to cover costs inflated by the present effects of discrimination.

E. The Director shall issue his/her decision on the request within five (5) business days after receipt of the request. If the Director fails to issue a decision within that time frame, the request shall be deemed approved.

F. As provided by Section 12D.A.17(H) of the Ordinance, a denial by the Director of a waiver or reduction request may be appealed to the Commission. Any appeal of a denial by the Director of a waiver or reduction request must be filed with the Commission within 5 business days of the department's receipt of the Director's decision. The Commission's decision on the request shall be final.

XIII. PROCEDURE FOR WITHHOLDING PROGRESS PAYMENT

A. Each payment request for a City prime contractor/consultantsubmitted to the contract award authority shall be accompanied by Form 7 which is the Contractor/Joint Venture Partner and subcontractor/sub-consultant participation Report.

~~B.~~ If the request for payment fails to include the required subcontractor/sub-consultant's information, the Controller shall, as provided in Section 12D.A.7(c) of the Ordinance notify the HRC, the department, and affected prime contractors/consultants within 2 business days of the failure. That notice shall inform the Contractor/Consultant that the Controller has tentatively determined that the information has not been provided, what information is missing and that if this failure is substantiated, then the Controller will withhold 20% of the payment until the information is provided. The affected prime contractor/consultant must, within five (5) business days of its receipt of the notice, submit the requested information or request a hearing with the contract awarding authority and the HRC to clarify the failure to provide the requested information.

~~C.~~ If the Controller finds, after consultation with the Director and HRC staff, that the information has not been provided, the Controller shall, as set forth in Section 12D.A.7 of the Ordinance withhold 20% of the payment otherwise due until the delinquent information is provided.

D. The HRC and the department shall be required to hold any hearing requested pursuant to Section XIII.B within three (3) business days unless the affected prime contractor/consultant requests a later hearing date. Any contractor/consultant who makes a request for a later hearing date waives any claim resulting from any such delay. If a hearing is not held within the time period specified by this Section, the payment withheld pursuant to subsection XIII.C shall be released.

E. If a hearing is conducted as requested by the affected prime contractor/consultant, within 3 business days after the hearing, the HRC and the department shall provide a written recommendation to the Controller as to whether to withhold the 20% of the payment. After receipt of such recommendation, the Controller shall issue a written decision as to whether to withhold the 20% payment within 3 business days. If a decision is not made within the time period specified in this Section, the payment withheld pursuant to Section XIII.C shall be released.

XIV. REPORTING DEADLINES UNDER THE ORDINANCE

July 1	All departments must input and provide to the Director and the Controller all contracting data on each contract award pursuant to Section 12D.A.7(A) and (B) of the Ordinance. The contract award data shall consist of MBE/WBE/LBE goals, good faith efforts, and percentage breakdown of MBE/WBE/LBE participation.
Sep. 1	Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.
Dec. 1	Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.
Dec. 31	All departments and contract awarding authorities report to the Mayor on their progress in the preceding fiscal year toward achievement of the MBE and WBE participation goals. Departments shall also report on the use of and the success or failure of their good faith efforts in meeting the MBE and WBE participation goals.
March 1	Commission submits its annual report to Mayor, Board of Supervisors, Director of Administrative Services on the progress of the City towards meeting goals as set forth in Section 12D.A.3 of the Ordinance, including identification of problems and specific recommendations for: (1) discontinuing the race or gender conscious bid discounts in those cases where the bid discounts have remedied the identified discrimination against MBEs and WBEs; and (2) improving the City's performance in remedying the identified discrimination against MBEs and WBEs. Director transmits to Board of Supervisors proposed amendments to Ordinance and utilization indices. Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals. Board of Supervisors acts on HRC recommendations by 2nd Board meeting in May.
June 1	Director reports to the Commission on MBE/WBE/LBE contract participation and progress toward goals.
Annual	Director, annually or more often if necessary, analyzes data on "percent availability" of Reports MBEs and WBEs to identify successful areas; includes this information in March report to the Board of Supervisors.

XV. COMPLAINT PROCEDURES OF NONCOMPLIANCE BY CONTRACTORS AFTER CONTRACT AWARD

A. Complaints

1. Written complaints may be filed with the Commission by any persons, as governed by Section 12D.A.16.(B) of the Ordinance, claiming to be aggrieved by a contractor or City department's noncompliance with the Ordinance.

2. Agencies, boards and commissions of the City and County of San Francisco, other than the Commission, may also file complaints under this section.

3. Written complaints challenging (a) the application of the MBE and/or WBE bid discounts to an industry or profession or (b) the granting of a bid discount to a particular MBE or WBE shall be filed pursuant to the procedures set forth in Section XVI and XVII.

4. Contents of Complaint

Complaints must be signed by the complainants or their authorized representative and must contain the following information:
(1) name and address (including phone number) of the complainant,
(2) name and address of the person who committed the alleged violation,
(3) a detail description of the act or acts considered to be a violation, and
(4) other pertinent information that may assist in the investigation and resolution of the complaint.

5. Incomplete Information

Where a complaint contains incomplete information, the Director shall seek the needed additional information from the complainant. If the information is not furnished to the Director within sixty (60) days of such request, the case may be closed.

6. Place and Time of Filing

The complaint may be filed in person or by mail addressed to the Director at the Commission office. Such complaint should be filed as soon as practicable but must be filed within one hundred eighty (180) days from the date of the alleged violation, unless the time for filing is extended by the Director for good cause shown.

7. Amendment of Complaint

A complaint may be amended in writing by the complainant within five (5) business days of the filing of the complaint.

8. Withdrawal of Complaint

The complainant may withdraw a complaint by submitting to the Director a written declaration sworn under penalty of perjury that the complaint is being withdrawn.

9. Investigation

The Director shall institute a prompt investigation of each complaint and shall be responsible for developing a complete case record.

10. Resolution of Matters

(a) If the complaint investigation shows no violation of the Ordinance or regulations, the Director shall notify the complainant, with copies to the department and/or the affected contractor/consultant. Within thirty (30) days after the receipt of notice, the complainant may request review by the Commission of such finding or decision.

(b) Where the investigation indicates a violation of the Ordinance and/or the regulations, the Director shall follow the procedures for noncompliance set forth in Section XVII of the regulations.

(c) Investigations shall be completed and written report filed within ninety (90) days

of the date the complaint is filed.

XVI. PROCEDURES FOR CHALLENGING INDUSTRY- OR PROFESSION-WIDE MBE/WBE BID DISCOUNTS

A. Complaints

1. Written complaints challenging the application of the MBE and/or WBE bid discount to an industry or profession must be filed before commencing an action in a court of competent jurisdiction.

B. Contents of Complaints

A complaint filed pursuant to this section shall contain the following:

1. The full name, addresses and phone number of the complainant.

2. A plain and concise statement of the facts and evidence upon which the complainant relies for challenging the application of the MBE and/or WBE bid discount to an industry or profession.

3. Notarized affidavits, statistical studies or any other evidence upon which the complaint is based.

C. Time and Method of Filing

1. A complaint filed pursuant to Section XVI may be filed at any time.

2. The complaint may be filed in person or by mail addressed to the Commission office.

D. Amendment of Complaint

A complaint may be amended in writing by the complainant within five (5) days of the filing of the complaint.

E. Withdrawal of Complaint

The complainant may withdraw a complaint by submitting to the Director a written and notarized statement that the complaint is being withdrawn.

F. Actions by Director

1. Within fifteen (15) business days from the filing of a complaint the Director shall:

(a) review the complaint and evidence upon which the complaint is based; and

(b) respond to the complainant in the manner described in Sections XVI.F.2.

2. (a) If the Director, after his or her investigation has been completed, determines that the complaint establishes good cause to discontinue the challenged MBE and/or WBE bid discounts to an industry or profession, the Director, with the advice of the City Attorney, shall issue a notice to all department heads, the Mayor, the Board of Supervisors and the Director of Administrative Service that, effective upon a date certain, the MBE and/or WBE bid discounts shall not be applied to the relevant industry or profession pending a hearing by the Commission and action by the Board of Supervisors.

(b) Within five (5) business days after the notice specified in Section XVI.F.2(a) is issued, the Director shall schedule the complaint for hearing before a hearing officer pursuant to Section XIX of these Rules and Regulations.

(c) If the Director concludes that the complaint does not establish good cause to discontinue the challenged bid discount to an industry or profession, the Director shall so inform the complainant in writing. If the complainant makes a written request for a hearing within 30 days after receipt of such notice, the Director shall schedule the complaint for a hearing officer pursuant to Section XIX of these Rules and Regulations.

G. Priority

Pursuant to the Ordinance, a complaint filed pursuant to this section shall have priority for hearing over all other complaints filed pursuant to Section 12D.A of the Ordinance.

H. Decision of the Commission

1. Where the Commission finds, consistent with the requirements of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, that the MBE and/or WBE bid discounts cannot be applied to an industry or profession because MBE/WBE participation in the relevant City contracts has reached parity with the numbers in the relevant business community, and that MBE/WBEs no longer suffer from a discrimination induced competitive disadvantage in the applicable industry or profession, the Commission shall:

(a) issue a notice to all departments, the Mayor, the Director of Administrative Service and the Board of Supervisors that the challenged MBE and/or WBE bid discount shall be suspended; and

(b) request the City Attorney to prepare legislation amending the Ordinance to delete the applicable MBE and/or WBE bid discount.

2. Where the Commission finds that the complainant has not produced evidence to establish that MBE/WBE participation in the relevant City contracts has reached parity with the numbers of available MBEs/WBEs in the relevant market, the Commission shall dismiss the complaint

XVII. PROCEDURES FOR CHALLENGING MBE/WBE/LBE BID DISCOUNTS RELATED TO CONTRACT AWARD.

A. Complaints

1. Written complaints challenging the granting of a bid discount to a particular MBE, WBE, and/or LBE on the basis that either the MBE, WBE, and/or LBE does not qualify for bona fide MBE/WBE/LBE status or the MBEs WBEs LBEs bid price is not attributed to the effects of past discrimination, shall be submitted to the Director according to the following procedures.

2. Any person or firm that has been aggrieved by the application of the MBE/WBE/LBE bid discount and that seeks to challenge the granting of a bid discount to a particular MBE, WBE or LBE shall file a complaint challenging the bid discount before commencing an action in a court of competent jurisdiction.

B. Contents of Complaints

A complaint filed pursuant to this section shall contain the following:

1. The full name, addresses and phone number of the complainant.

2.A plain and concise statement of the facts and evidence upon which the complainant relies for challenging the granting of a discount to a particular MBE, WBE or LBE.

3. Notarized affidavits, statistical studies or any evidence upon which the complaint is based.

C. Time and Method of Filing

1. A complaint filed pursuant to Section XVII must be filed within the bid protest period applicable to the particular contract. If the complaint is not timely filed, it is waived

2. The complaint may be filed in person or by mail addressed to the Commission offices.

D. Amendment of Complaint

A complaint may be amended in writing by the complainant within five (5) days of the filing of the complaint.

F. Actions by the Director

1. Within fifteen (15) business days from the filing of a complaint, the Director shall review and investigate the complaint and the evidence upon which the complaint is based, and shall respond to the complainant in the manner described below.

2. If the Director finds that a particular MBE, WBE, LBE is not a bona fide LBE, the Director shall revoke or, where applicable, rescind the certification of the MBE, WBE or LBE. The Director shall notify the affected business in writing within 3 business days of reaching his or her decision. The notice shall set forth the basis for the revocation or denial of certification and the date on which the business will be eligible for certification, if appropriate. The notice shall be transmitted by certified mail or facsimile. The Director's decision may be appealed to the Commission as set forth in 12D.A.6 and 12D.A.B.2.

3. If the Director finds that the challenged MBE, WBE or LBE bid discount should be disallowed, the Director shall notify the complainant, the particular MBE, WBE or LBE and the affected department. The Director's decision may be appealed to the Commission as set forth in 12D.A.6 and 12D.A.B.2.

G. Priority

A complaint filed pursuant to this section shall have priority for hearing over all other complaints filed pursuant to Section 12D.A of the Ordinance except for those filed pursuant to Section XVI.

XVIII. PENALTY PROCEDURES FOR NONCOMPLIANCE

A. Noncompliance by Contractors after the Contract has been awarded

1. In cases where the Director believes that a contractor has acted in good faith but is in noncompliance, the procedures specified in Section 12D.A.16(B) of the Ordinance shall be followed.

2. Willful or Bad Faith Noncompliance by Contractors

(a) In cases where the Director has cause to believe that any bidder or contractor/consultanthas willfully failed to comply with any of the provisions of the Ordinance and this regulations or contract provisions pertaining to MBE or WBE participation, the Director is empowered to conduct an investigation.

(b) An investigation initiated under Section XV shall be completed within ninety (90) days.

(c) If the investigation establishes that a contractor/consultanthas willfully violated the provisions of the Ordinance or these regulations, the Director shall prepare a written Notification of Results of Investigation (NORI) within twenty (20) days of the completion of the investigation.

(d) The Director shall send the NORI to the contractor/consultantand shall also afford the contractor/consultantfifteen (15) days, to turn his or her response in writing upon receipt of the NORI.

(e) Within ten (10) days after the contractor/consultanttimely submits his or her written response to the NORI, the Director shall schedule a meeting with the contractor/consultantto allow the contractor/consultantan opportunity to be heard informally with respect to the findings of the investigation.

(f) Within fifteen (15) days after the meeting with the contractor as set forth in Section XVIII.A.(2)(e) above, the Director shall issue his/her final written finding in the matter. In those cases where the Director finds that the contractor has willfully violated the provisions of the Ordinance, the Director shall impose sanctions as set forth in Section 12D.A.16(C)of the Ordinance.

(g) The contractor may appeal the Director's decision to the Commission within ten (10) days upon receipt of the Director's Findings. The hearing procedures set forth in Section XIX of these regulations shall apply to an appeal under this subsection.

(h) An appeal by a contractor/consultantto the Commission shall not stay the Director's Findings.

B. Noncompliance by Contract Awarding Authority

1. If the Director has reason to believe that a City employee, officer, or department has willfully failed to comply with the Ordinance or these regulations, the Director shall conduct an investigation. Such an investigation shall be completed within forty-five (45) days.

2. If the Director finds willful noncompliance, the Director shall within twenty (20) days of the completion of the investigation transmit a written Finding of Noncompliance, specifying the nature of the noncompliance to: (i) the contract awarding authority, (ii) the involved employee or officer, and (iii) the involved employee's or officer's appointing officer.

3. Within thirty (30) days after sending the Finding of Noncompliance the Director shall attempt to resolve the noncompliance through conciliation conferences.

4. Should the conciliation attempt fail, the Director shall, within twenty (20) business days thereafter, transmit to the Commission, the Board of Supervisors and the Mayor a copy of the Finding of Noncompliance along with a statement that conciliation was attempted and failed.

5. At the Commission meeting immediately following receipt of the Finding of Noncompliance specified in Section XVIII.B.4, the Commission shall review the notice and vote to notify the contract awarding authority, the Mayor and/or the Director of Administrative Services of appropriate action to secure compliance with the Ordinance. The Commission may recommend specific disciplinary action that the contract awarding authority should take against any employee or official found to have willfully violated the provisions of the Ordinance or these regulations.

XIX. HEARING PROCEDURES

A. The Chair of the Commission in consultation with the City Attorney, shall summarily dismiss any appeal in which the appellant fails to provide evidence demonstrating a substantial question requiring a full hearing to determine whether the Director's determination should be overturned. The Secretary of the Commission shall promptly inform the appellant of any such determination.

B. A hearing shall be set by the Hearing Officer within 30 Days of a request for an appeal before the Commission. Notice of the time, date and place of the hearing shall be made to the parties in writing by mail not less than 10 business days prior to the date of hearing, and shall inform the parties of their right to representation by counsel. The hearing officer may continue the hearing for a period not to exceed 30 days upon agreement of the parties or a showing of good cause.

C. The hearing shall be held at a time and place with due regard to the convenience of the parties and witnesses.

D. Authority and Responsibilities of Hearing Officer

The Hearing Officer shall propose findings and conclusions to the Commission on the basis of the record. In order to do so, he/she shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He/she shall have all powers necessary to those ends, including, but not limited to, the power to:

1. Hold conferences to settle, simplify, or determine the issues in the proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by the consent of the parties or upon his/her own motion;

2. Require parties to state their position with respect to the various issues in the proceeding;

3. Require parties to produce for examination those relevant witnesses and documents under their control;

4. Administer oaths;

5. Rule on motions, and other procedural matters;

6. Regulate the course of the hearing and conduct of participants therein;

7. Examine and cross-examine witnesses and introduce into the record documentary or

other evidence;

8. Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

9. Fix time limits for submission of written documents and extend time limits established by these regulations upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

10. Impose appropriate sanctions against any party or person failing to obey an order under these rules. Sanctions may include:

    (a) refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

    (b) excluding all testimony of an unresponsive or evasive witness or determining that the answer of such witness, if given, would be unfavorable to the party having control over him or her; and

    (c) barring any party or person from further participation in the hearing.

11. Take official notice of any material fact not appearing in evidence in the record that is among the traditional matters of judicial notice;

12. Request the Commission to issue subpoenas;

13. Take any action authorized by these rules.

E. The parties or other persons participating pursuant to this section have the right to be represented by counsel.

F. Appearance of Witnesses

1. A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue, shall serve the prospective witness a notice. The notice may be accompanied by an administrative subpoena issued by the, Commission setting forth the time, date and place at which the witness is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring to the hearing, if any. A copy of the notice shall be filed with the Hearing Officer and additional copies shall be served upon the opposing parties.

2. It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time, place, and date set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

3. The party or prospective witness may file an objection within five (5) business days after the issue of notice specified in Section XIX.F.1, stating with particularity the reasons why the party cannot produce a requested witness or requested documents. The party serving the notice may move for an order with respect to such objection or failure to produce a witness or documents

G. Evidence; Testimony

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative, relevant, and material evidence available shall be applied. Testimony shall be given orally by witnesses at the hearing. A witness shall be available for cross examination, and, at the discretion of the Hearing Officer, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The Hearing Officer may exclude evidence that is immaterial, irrelevant, or unduly repetitious.

H. Objections; Exceptions; Offer of Proof

1. If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross examination or the failure to limit such scope, he or she shall state briefly the grounds of such objection. Ruling on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

2. Formal exception to an adverse ruling is not required. Rulings by the Hearing Officer shall not be appealed prior to the transfer of the case to the Commission, but shall be considered by the Commission upon the filing of exceptions to the Hearing Officer's recommendations and conclusions.

3. An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence that counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

I. Ex Parte Communications

The Hearing Officer shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the City and County of San Francisco engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the Hearing Officer's or Commission's decision in the case, except as witness or counsel in the proceeding.

J. Oral Argument

Prior to the termination of the hearing any party is entitled to request oral argument. Oral arguments shall be included in the official transcript of the hearing.

K. Official Transcript

The official transcripts of the testimony taken, together with any exhibits, briefs, or memoranda of law, shall be filed with the Hearing Officer. The parties and the public as provided by state law may obtain transcripts of testimony from the official reporter. Upon notice to all parties, the Hearing Officer may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

L. Participation by Interested Persons

1. Interested persons shall have the right to participate as parties to the proceeding if the final decision by the Commission could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

2. Any persons wishing to participate as a party under this section shall file with the Hearing Officer and serve on all parties a petition within twenty-five (25) days after the commencement of the appeal or at such other time as ordered by the Hearing Officer, so long as it does not disrupt the proceeding. Such petition shall concisely state (a) petitioner's interest in the proceedings; (b) who will appear for the petitioner; (c) the issues on which the petitioner wishes to participate; and (d) whether petitioner intends to present witnesses.

3. The Hearing Officer shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by persons with common interest, the Hearing Officer may request all such petitioners to designate a single representative to represent all such petitioners. The Hearing Officer shall give each petitioner written notice of the decision on his/her petition and if the petition is denied the Hearing Officer shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Hearing Officer shall give written notice to each party of each petition granted.

4. Any interested person wishing to participate as amicus curiae shall file a petition before commencement of the hearing by the Hearing Officer. Such petition shall concisely state: (a) the petitioner's interest in the hearing; (b) who will represent the petitioner; and (c) the issues on which petitioner intends to present argument. The Hearing Officer may grant the petition if he or she finds that the petitioner has a legitimate interest in the proceedings and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided herein.

5. An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Hearing Officer. He/she may submit a written statement of position to the Hearing Officer prior to the beginning of a hearing and shall serve a copy on each party. She/he may submit a brief or written statement at such time as the parties submit briefs and exceptions and shall serve a copy on each party.

XX. POST-HEARING PROCEDURES

A. Proposed Findings of Fact and Conclusions of Law

Within twenty (20) business days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Hearing Officer. Requests for additional time in which to file shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions of time shall be received not later than three (3) business days before the date such briefs are due. No reply brief may be filed except by special permission of the Hearing Officer.

B. Record for Recommended Decision

The transcript of testimony, exhibits and all papers, documents and requests filed in the proceedings, including briefs, but excepting any correspondence regarding procedural matters, shall constitute the record for decision.

C. Recommended Decision

Within a reasonable period of time after the filing of briefs, the Hearing Offer shall recommend findings, conclusions, and a decision. These recommendations shall be forwarded, together with the record to the Commission for final decision. The recommended findings, conclusions and decision shall be served on all parties and amici to the proceeding.

D. Exceptions to the Recommended Decision

Within fourteen (14) business days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within fourteen (14) business days of their receipt by said parties. All exceptions and responses shall be filed with the Commission. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Commission for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later that three (3) business days before the exceptions are due.

XXI. ACTION BY THE COMMISSION

A. After expiration of the time for filing briefs and exceptions, the Commission shall make a final decision, on the basis of the record. The record shall consist of the record for the recommended decision, the rulings and recommended decision of the Hearing Officer and the exceptions and briefs filed subsequent to the Hearing Officer's decision.

B. The Commission may hear oral argument by the parties if it decides that such argument will aid in the resolution of the issues.

C. After hearing oral argument, if such argument is permitted, and after full discussion of the record, the Commission shall vote to adopt, reject, or adopt with modifications the Hearing Officer's recommended decision concerning the Director's Findings. The Commission may take such additional action as will effectuate the purposes of the Ordinance and its decision shall constitute the final administrative action in the case.

INVENTORY

April - May, 2000

ITEMS	ON HAND	CKD -OUT	SH. OR OV.	BALANCE
CALCULATORS	62	-50		**12**
COFFEE MUGS	150	0		**150**
Golf Balls	9	0		**9**
H/PENS	37	0		**37**
HATS	90	-21		**69**
MUGS	265	0		**265**
PENS	42	-3		**39**
PLAQUES	27	-13		**14**
POSF PINS	338			**338**
TIES	1	0		**1**

Note:
Additional Mugs and Coffee (Traveler's) Mugs are in storeroom w/ Business Services.

REMARKS
4 Wooden

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

MINUTES OF THE COMMISSION MEETING MAY 25, 2000

Commission Chair Harry Low called the meeting to order at 4:35 p.m. and took roll call. A quorum was present.

ROLL CALL

Commissioners

Present: Harry Low, Chair; Ghada Saliba-Malouf (arr. 4:50), Vice Chair; Shirley Dimapilis; Stephen Herman; Martha Knutzen; Leslie Littleton; Larry Lee; and Alan Watahara

Excused: Youn Chey; Julia Globus-Sabori; and Antonio Salazar-Hobson

HRC Staff

Present: Virginia M. Harmon, Director; Marcus Arana; Larry Brinkin; Maria Cordero; Emil DeGuzman; Toni Delgado; Selormey Dzikunu; James Fields; Yong Lee; Carla Vaughn; Pansy Waller; and Kevin Williams

Guests

Present: Susan Frankel, Deputy City Attorney, Nash Ballantine, Espinola Jackson, Pastor George Lee, Nat Mason, William Mitchell, Van Richsen, Shanay Williams

DOCUMENTS DEPT.

AUG 24 2000

SAN FRANCISCO
PUBLIC LIBRARY

Approval of Minutes

The minutes of the May 11, 2000 Commission Meeting were approved.

General Communications File

No general communications file was circulated.

Report of the Chair

Chair Low offered an update on the Blue Ribbon Committee, stating it was likely that the report will be completed and submitted to the public sometime in early June and there will be a final adopting or non-adopting session on June 22. He added that the public and Commissioners will have notice of this meeting. Chair Low noted that all Commissioners should have already received an "as-is" and "best practices" report

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prepared by the Committee consultant. He advised that the Committee has now reached a stage of analysis and recommendation. Some of the recommendations are now being reviewed by each of the three Commissioners and some have been discussed with the Mayor to alert him to the proposed recommendations. Chair Low also noted that copies of the recommendations and analysis will be provided to the public and the Commissioners in the first week of June. At that time, the recommendations will be open for public comment and possible adoption. Chair Low stated that the staff of the Blue Ribbon Committee will stay on for a short period of time to assist in implementing the recommendations of the report, and that it will be helpful in drawing a map/outline of how the HRC may proceed in the next several years. He added that much depends upon what happens in the courts as far as the extent of the roles we all can play in the affirmative action program. Chair Low advised that an added report dealing with the legal impact of Proposition 209 and how it will effect future operations of the Commission as well as the minority contracting and affirmative action program will also be available in June.

Chair Low requested that members of the Commission consider undertaking some roles on the various committees of the HRC. He stated that Commissioners Chey and Watahara have discussed the possibility of Commissioner Watahara chairing the Youth & Education Committee. Chair Low asked if Commissioner Watahara has made any decision, and Commissioner Watahara requested to discuss it further with Chair Low. Chair Low agreed, then stated the Youth & Education Committee needs a Chair and that Commissioner Watahara would fit that role very well.

Chair Low moved on to discuss the needs of the Issues Committee. He stated that volunteers were needed for this Committee and that it is conceivable that the Committee may meet less, may be flexible for one's business schedule, and only have meetings when there is an issue for discussion. Chair Low inquired if anyone would be willing to accept the chairmanship of the Committee, and added that it is an interesting committee that takes on timely, controversial, and important issues. Chair Low stated that he did not want to put anyone on the spot, but stressed the importance of filling these Committee positions fairly soon.

Chair Low requested that the City Attorney provide the Commission with a brief report of the legal role of the Commission with respect to the selection of a permanent Director. He stated that Susan Frankel indicated that she will be able to provide the Commission with legal analysis, practical concerns and other considerations possibly at the next meeting. Chair Low also requested that Joanne Hoeper (San Francisco City Attorney's Office) attend the next or following meeting to provide the Commission with an executive report on the pending legal matters that affect the Commission. He added that the meeting has not yet been cleared with Ms. Hoeper.

Chair Low then concluded his report and asked for any other reports on community activity.

Commissioner Herman offered congratulations to Chair Low for the honor and recognition that he received, then asked Chair Low if he would like to share the story of

his award. Chair Low stated that he received the Judge Jensen Award for Distinguished Public Service. Many in the room offered their congratulations and applause.

Commissioner Herman continued, and stated that he met with Ms. Harmon on behalf of the Commission to go over budget issues and that Commissioner Saliba-Malouf joined by phone. Commissioner Herman commented that he was pleased with Ms. Harmon's presentation and understanding of budget issues. He noted that Ms. Harmon made some recommendations that he fully supported and offered his recognition to Ms. Harmon's for her vision of better using the resources to fit the HRC's operations. Commissioner Herman stated that he gave Ms. Harmon the go ahead to do what she could to implement her recommendations to the budget process. Commissioner Herman asked if Ms. Harmon had anything to add to that. Ms. Harmon responded that at the time there wasn't any further information to share.

Public Comment
There was no public comment with respect to the agenda.

Report of the Director
Ms. Harmon began her report by first asking Mr. Larry Brinkin (HRC Staff) to introduce two new staff people who work in his unit.

Mr. Brinkin stated that he was very pleased to introduce two new staff people on the HRC team. He noted that there were 48 applicants for the two positions and that he was pleased with the response but difficult to reject so many people. Mr. Brinkin noted that Marcus Arana was a transgender activist with FTM and provided transgender sensitivity training to the Commission a couple of years ago and is now with the HRC to do gender identity work. Mr. Brinkin continued with Youg Lee, who was an intern with the HRC four years ago and just completed his JD at Bolt. Mr. Brinkin asked each of them to introduce themselves.

Mr. Arana described his background of four years at Community United Against Violence (CUAV) providing sensitivity training in the San Francisco school district. He noted that one of the most important things that he accomplished was working with the HRC to get all of the domestic violence shelters in the City to admit transgender women, regardless of surgical status. Additionally, the training program that was provided to the shelters is still being used to this day. Mr. Arana remarked that the Commission had the power to make change on a very wide basis and to be a full time staff person, doing this kind of work, is probably the greatest dream he has ever had. Mr. Lee stated that he had a wonderful experience when he interned with the HRC four years ago, and admired the staff for their dedication, compassion and hard work in ensuring equal rights for all people. Mr. Lee stated that it is an honor to be back.

The next two items of Ms. Harmon's report dealt with the Chapter 12.D.A. ordinance. Ms. Harmon first covered the 12.D.A. waiver report. She stated that under the terms of Chapter 12.D.A., the Director is obligated to report on the issuance of waivers at the Commission meeting following the granting of each waiver. Ms. Harmon stated that a

copy of the current waiver log has been provided for review and added that to ensure that 12.D.A. waiver reports are timely, she will request that an item dealing with waivers is calendared under the Director's Report for each meeting.

Ms. Harmon noted that 12.D.A. also requires the Director to issue quarterly reports which have been issued under the previous Director. Ms. Harmon noted the changes she has made to the way the reports have previously been developed. She stated that the next report will be due on June 1st. Ms. Harmon stated that she created a different structure to prepare the quarterly report, assigning a team of four Contract Compliance Officers to ensure that the data is properly gathered and secondarily assigning three Contract Compliance Officers to handle the preparation of the report. She continued to note that the report will take a different format and will ideally include some conclusions and recommendations as well. Ms. Harmon stated that the HRC is obligated to document each City Department's performance under the terms of the ordinance as well as whether or not each Department has reported all of the data. Ms. Harmon added that if any of Commissioner's had recommendations on ways to improve the report, she would very happy to consider and possibly include the suggestions.

Ms. Harmon then introduced two resolutions for possible adoption. The first resolution honoring the life of Lefty Gordon, which was prepared at the request of Commissioner Littleton, and the second resolution honoring the life of Earl White, which was prepared at the request of staff. Ms. Harmon stated that Mr. White worked with the HRC very recently, creating databases to track very important information, including certification.

Commissioner Lee asked Ms. Harmon if guidelines existed regarding how contractors are qualified and/or disqualified.

Ms. Harmon stated that Chapter 12D.A. contain certification guidelines for MBEs and WBEs. Additionally, she noted the Rules and Regulations going before the commission tonight, also contain information about when to properly certify firms. Ms. Harmon explained that the waiver log is different, as it documents cases where the HRC has determined that it is inappropriate to apply it's program to particular contracts for one of two reasons - either it is a sole source exception or an emergency waiver.

Commissioner Lee offered an example of a contractor who doesn't have bond or pay workman's compensation, yet is awarded contracts with the City. Commissioner Lee stated that he wanted to ensure that there is a safeguard for contractors who follow the Rules and Regulations, as opposed to when someone is not in compliance.

Ms. Harmon explained that there are additional terms under the ordinance regarding non-compliance proceedings and that any time a contractor is determined to be willfully non-complaint, there are certain actions that the HRC may take after an investigation has been done.

Commissioner Lee stated that he wants to ensure the protection of employees, and added that he hasn't seen any language that protects the working people as well.

Ms. Frankel noted that the provisions that Commissioner Lee was speaking of are not contained in administrative code 12.D., but are contained in Chapter 12.B. and other Ordinances. She stated that those provisions are different from the Rules and Regulations that were being discussed at this meeting.

Commissioner Lee requested that Ms. Harmon inform him about contractors, how they qualify, what disqualifies them, and something in the Ordinance of the HRC that protects the working people.

Ms. Harmon stated that she would be happy to meet with him to discuss the various programs that the HRC has and the ordinances that the HRC implements. She also stated that she will request that the managers of the respective HRC divisions be present so they can brief him on what they are doing and what Rules and Regulations they are implementing under the Ordinances.

Chair Low asked the Director to calendar at each meeting the quarterly and 12.D.A. reports as required. He also asked if the reports will be in writing so there can be discussion if someone has a question about any particular waiver. Chair Low stated that it would be helpful to have the commissioners aware of what is going on in that area.

Chair Low recommended that the Commission adopt the resolutions for Lefty Gordon and Earl White. He noted that both people are very well known in the community and left a great legacy of public service and devotion to the community. Chair Low added that he knew Lefty Gordon for about forty years and that Earl White has been a pillar in the community. Chair Low stated that it is great loss to San Francisco and we feel that loss and will express our sympathies to the members of the families.

Commissioner Herman offered grammatical comments about the resolutions, suggesting that both resolutions be consistent. He stated, for example, using or not using quotation marks around "Lefty" and using "Lefty" instead of 'his' or 'he' in the fourth & fifth whereas'. Commissioner Herman continued, stating that generally, 'therefore be it resolved' is in caps and/or bold like the whereas. Additionally, Commissioner Herman noted that 'Mr. White' should be used rather than 'he' or 'Earl' throughout, and the last part of it should read, "Earl H. White...and grieves along with his wife...the loss of this visionary".

Commissioner Littleton noted that a lot of the public is here on behalf of Lefty Gordon and Earl White and asked if anyone in the public would like to make a comment. No public comments were made.

With the above mentioned changes, the resolutions were moved (Herman), seconded (Low).

Chair Low asked the Director to see that the resolutions are properly prepared and presented to the families of Earl White and Lefty Gordon.

Commissioner Littleton inquired about the memorial service for Lefty Gordon and Commissioner Dimapilis stated that it had already taken place.

Chair Low asked if there was any item that the public would like to comment on or address the Commission on before they went into the Committee reports.

Espinola Jackson
Espinola Jackson, who lives in the southeast section of San Francisco, began her comments by stating that the HRC was created because of the residents of Bayview/Hunters Point who picketed because they could not work in banks, sell cars, or obtain a civil service job. She stated that it seems that mostly everything that occurs in this City and for the people of San Francisco, starts in Bayview/Hunters Point. Ms. Jackson stated that the day before, she began receiving phone calls about a young man who lived, went to school and was raised with her children, because she was like an aunt. She noted that it was very disturbing that they don't have many young men in the community that other young people can look up to, but Kevin Williams had a good job and went to college. Ms. Jackson stated that most young people can't go to college; that most of the children in Bayview/Hunters Point cannot read or write but they are passed through school and given a certificate of graduation. Ms. Jackson stated that it was an honor to have young people, who were raised in Bayview/Hunters Point, get a job with the Human Rights department. Ms. Jackson stated that the Human Rights used to be a Committee and she supported it to become a Commission and that it would be a protection for blacks in Bayview/Hunters Point. She stated that people are very dissatisfied and that some are in mourning because of what was read in the newspaper yesterday. Ms. Jackson stated that she came to speak because she has been in a struggle, a community activist for thirty-five years in Bayview/Hunters Point, local, state and national level, and that she is not just known in Bayview/Hunters Point. Ms. Jackson stated that Kevin Williams is working out of his category, and asked if he should fail because he is not working in the position that he went to school for. Ms. Jackson counseled Mr. Williams to "stay wherever they put you", not to leave, but come back into the community and let the young people and young men know that there might be a chance. Ms. Jackson expressed her disappointment to not see a man sitting on the Commission because when the Commission started there were great black men serving on it. Ms. Jackson also stated that, "No one can talk about a male issue but a man. Women can talk about women issues to other women", and concluded with the hope that what has happened is corrected.

Nat Mason
Nat Mason, President of the local chapter of the National Association of the Advancement of Colored People, Executive Director of the Economic Opportunity Counsel, former employee of the HRC for ten years, and served in the same capacity of the Kevin Williams. Mr. Mason remarked that Mr. Williams trained him in the art of being a Compliance Officer. He stated that Mr. Williams is a good Compliance Officer and community activists. Mr. Mason stated that he was a part of the founding group of the HRC, along with Espinola and others; that they marched to "get this very commission that you are sitting on"; and that the HRC grew out of the struggle of the blacks here in this City. Mr. Mason stated that he has worked side by side with Mr.

Williams and he doesn't understand why he is being demoted or brought back. He noted that this was the second or third time Mr. Williams has been brought back and it was because Mr. Williams is enforcing the codes of the HRC. Mr. Mason noted that the HRC won't give Mr. Williams an automobile and that he had to drive around in a truck. Mr. Mason stated that Mr. Williams is one of the best Compliance Officers in the City and is known across this country for the work he does in minority contracting. He commented that minority employees in the black community as well as minority contractors will suffer because when the HRC code was being enforced, contractors hired minorities and blacks. Mr. Mason concluded with stating it would be a terrible loss if the HRC didn't use Mr. Williams to his capacity as a Contract Compliance Officer of sixteen years.

Pastor George Lee

Pastor George Lee, with the Shilo Gospel Church and Shilo Life Changing Ministry, commented that he was speaking because he was going along with Espinola and the young man who spoke previously. Pastor Lee stated that young people are really starting to turn around and that every time they read about criminal charges in the newspaper, they know they are on their way down to the HRC. Pastor Lee continued and stated that minorities are pulled down whether they have criminal charges against them or not. He shared that he was a native San Franciscan and has watched the sophisticated racism in the City and how the City has become cold and totally insensitive. Pastor Lee stated that through that, they have persevered and are there to encourage Mr. Williams to not let anything pull him down to where he feels like giving up. Pastor Lee commented on the coincidence that criminal charges are raised about minority contractors and Contract Compliance Officers are being demoted. Pastor Lee implored that the Committee stand up and send a signal out to the young people and asked that, to bolster trust in the City system, the HRC not go along with any demotion, especially if there are no charges of any wrongdoing.

Shanay Williams

Shanay Williams, daughter of Kevin Williams, spoke on behalf of her father. Ms. Williams began by defining the meaning of human rights, stating that it is to treat others with respect. Ms. Williams shared her dismay, stating that Mr. Williams should have received a get well card instead of a reprimand, because he was fighting for justice, fairness, and equality. Ms. Williams stated that while in the hospital, Mr. Williams should have been respected as a leader and advocate for human rights instead of being the subject of vigorous and relentless retaliation. Ms. Williams addressed Ms. Harmon and remarked that one cannot direct human rights without respect and that respect is not retaliation, covering up abuse of government resources or misallocation of funding. She stated that personal bias should not get in the way of better judgement. Ms Williams asked the Commission not to hurt her father or dismantle the HRC. Ms. Williams felt that Mr. Williams was being harassed and has been denied due process. She stated that the Commission is the Human Rights Commission, not the Human Wrongs Commission. She commented that the Commission must face the truth and that the Commission reeks of corruption and conspiracy of certain personnel. Ms. Williams stated that she and her army will ensure that this mess is cleaned up. She asked Chair

Low to not live vicariously through Satan's evil spirit and concluded with a request to not dismantle the Commission for the sake of all in this country, equality, and justice.

Van Richsen

Van Richsen, resident of Bayview/Hunters Point and thirty years old, commented about Mr. Williams as a man in his life. He stated that Mr. Williams is one of two people that have affected him in his life. Mr. Richsen stated that he wanted to drop out of his masters program and do negative things, but Mr. Williams was there for him. He stated that Mr. Williams allowed him to cry. Mr. Richsen stressed the importance of a black man in the community, and that Mr. Williams was there to help him through discrepancies, adversities, and joblessness. Mr. Richsen stated that he didn't have a father and that Mr. Williams allowed him to be a man by being a black man and leader in this City. He noted that what Mr. Williams is going through is a part of life and that Mr. Williams is the strongest man he has ever known. He added that he wanted to follow in Mr. Williams' footsteps. Mr. Richsen stated that if things don't go right, he will be there to replace Mr. Williams and he's looking forward to making everything right because there is little right going on today. He admitted to Chair Low and the Commission that they have a tough job, but counseled them to practice good habits because "when you practice good habits, good things come to you".

William Mitchell

William Mitchell, resident of Bayview/Hunters Point, member of Shilo Gospel Church and Deacon and resident of Shilo Men's Life Changing Center, shared that Mr. Williams, Mr. Mason and Ms. Jackson have been influential in his life. Mr. Mitchell spoke of owning his own carpentry business, working with the union and how he used to be a gang member and bad person who had been arrested a number of times. Mr. Mitchell stated that through the influence of the people who the Commission persecutes, he has been able to obtain a degree and operate a functional business. Mr. Mitchell stated that there has been systematic corruption going on in Bayview/Hunters Point whereby people are elevated and given jobs only to record a failure. He stated that Mr. Williams has done no wrong, that he changes lives, has helped people go forward, helps people obtain their futures and that the Commission has set Mr. Williams up as a failure when he has done no wrong. Mr. Mitchell commented that they live for progression, productivity, and progress and stated that people like Mr. Williams need to be maintained, encouraged and not persecuted.

Nash Ballantine

Nash Ballantine, with the San Francisco Police Department stated that Mr. Mitchell is a will and testament to people like Kevin Williams. Mr. Ballantine stated that he was rail-roaded on an egregious case four years ago and that Mr. Williams-one of his few heroes, along with Pastor Lee-stood by and believed in him. Mr. Ballantine remarked that he has been a police officer for twenty-one years, worked with a group called CRUSH and worked with Chair Low as a counselor in 1979, when Chair Low was a presiding judge. He stated that he knew Chair Low to be a fair man and that Mr. Williams is a fair, hardworking man, who is still working with him to deal with things in the san Francisco Police Department. Mr. Ballantine shared that his people are misrepresentated (sic), they have lack of opportunity, and they are pawns and puppets

of the politics in this City. Mr. Ballantine noted that he didn't understand how quickly something can change from a positive to a negative. He addressed Ms. Harmon to look deep in her heart for the truth since she was a minority. Mr. Ballantine stated that Mr. Williams has stood for nothing but human rights, justice and good judgement. He concluded by stating that Mr. Williams needs to be placed back into the compliance office where he is and continue to do the job that he has been trained to do. Mr. Ballantine then asked Chair Low and the Commissioners to look at these things and have a fair assessment.

Chair Low asked if any other member of public wished to speak and thanked the previous speakers.

Commissioner Littleton thanked the people who came forward and made comments. She stated that she was a new Commissioner and thought their testimony was compelling and helpful, and appreciated the respect that they have for Mr. Williams in this community.

Committee Report: LGBT Advisory Committee

Commissioner Knutzen reported on the LGBT Advisory Committee meeting of May 16th, stating that subsequent to that meeting, the Committee met briefly regarding the Gay Pride Parade. She stated that many members of the Committee are members of other key organization who will march with other contingents, but members who want to, will march with the Mayor's contingent with the HRC banner and Mr. Brinkin will be coordinating that. Commissioner Knutzen stated that they adjourned for a nice meal down at Bull's Restaurant. Members of the Committee wanted to convey their appreciation for the Commissioners who stayed as long as they did at the hearing. She continued, stating that the next stage of the hearing was to synthesize the transcript. She stated that the Committee will be meeting in early June and that people have volunteered to take charge of certain portions of the transcript, and will provide to the Commission recommendations and findings within the next month or so. Commissioner Knutzen stated that after the Commission reads and approves the report and the Committee's recommendations, it will become a blueprint for future advocacy issues. Commissioner Knutzen concluded with stating that the hearing was a tremendous achievement for the committee and that they were proud. Commissioner Knutzen also corrected the agenda, stating that the next Committee meeting is Tuesday, June 20th, not the 19th.

Commissioner Watahara expressed his appreciation to Commissioners Knutzen, Herman and HRC Staff. He stated that the hearing was outstanding, incredibly well done, and that it was a good reflection on the Commission.

Commissioner Dimapilis stated that she and Commissioner Chey felt very proud because it was an education for all of us to know about the different people in the community, to know what they have to go through, and things that they need. She stated that the hearing was interesting and that she really enjoyed it.

Chair Low thanked both Commissioners Knutzen and Herman for planning the hearing and thanked all of the Commissioners who participated.

Committee Report: Employment Committee
Commissioner Lee reported on the Committee meeting of May 4th. Commissioner Lee stated that it was his first meeting and a quorum was not present, so the meeting was basically an introductory meeting to get to know people on the Committee. He thanked Pansy Waller (HRC Staff) for her help and guidance. Commissioner Lee noted that some of the Chairs have been vacated and they plan to put Committee members on.

Chair Low commented that Commissioner Lee has extensive contacts in the labor movement, and encouraged Committee Chairs to use Commissioner Lee to nominate people who will bring a labor dimension to their Committees.

Committee Report: LGBT Advisory Committee (continued)
Commissioner Herman pointed out that to Chair Low that they inadvertently missed an item on the agenda; a letter to Mr. Rofes under LGBTH.

Mr. Brinkin introduced the letter, commending the Gay Men's Health Summit for their inclusion of bisexual and transgender issues, stating that the Committee felt that a letter of thanks was in order.

Commissioner Herman noted that Antonio Salazar-Hobson's name was not included on the letterhead.

With the above mentioned change, the letter were moved (Herman), seconded (Dimapilis).

Committee Report: Issues Committee
Chair Low noted that Commissioner Saliba-Malouf has consented to serve as Co-Chair of the Committee and stated that she will add a great deal of strength that Committee.

Emil DeGuzman (HRC Staff) reported on the Committee meeting of May 8th. Mr. DeGuzman stated that the Committee discussed potential issues to plan over the next several months, what issues were dealt with in the past and what to deal with in the future. Mr. DeGuzman spoke of wanting an update on a one-year Rent Board study, led by the Board of Supervisors. He stated that the Committee is looking into pending language legislation that does not allow Department's to provide bilingual services. Mr. DeGuzman stated the Committee is seeking the latest update on Proposition of Tenants, proposed on the November ballot. Mr. DeGuzman stated that the Committee is also working on Proposition 21, the Juvenile Youth Initiative and that the Committee would like to hear the opinions of both the Police Department and District Attorney. Mr. DeGuzman also commented on the needs of the Committee to obtain clear guidelines about the Committee's work parameters and responsibilities.

Commissioner Saliba-Malouf requested that the next meeting be held on June 12th since she will be out of town and Mr. DeGuzman responded, stating that they could talk afterward and possibly make that change.

Committee Report: MBE/WBE/LBE Advisory Committee

Commissioner Dimapilis reported on the Committee meeting of May 17th. Commissioner Dimapilis stated that it was a very interesting meeting with the Blue Ribbon Committee, who clarified some points for them. Commissioner Dimapilis stated that there was opportunity for public participation in the meetings of June 6, 15 and 22 at 5 p.m. in room 263. There was discussion about the meeting time being earlier than 5 p.m. and Commissioner Herman noted that the 22nd is a Commission meeting date. Commissioner Dimapilis stated that the Committee was pleased to have Theresa Stricker and Susan Frankel go over the amendments to the Rules and Regulations.

Commissioner Littleton commended the Advisory Committee for the hard work. She thanked Darlene Mar, Chair of the Rules and Regulations Task Force for working with HRC staff and the City Attorneys office to provide the great input and reports. Commissioner Littleton commented on the positive working environment and stated that the City Attorney provided a lot of guidance to the Committee.

Commissioner Knutzen noted that she appreciated receiving the redline version, the draft version and the summary memo from Maria Cordero (HRC Staff). She said that it was exactly what she needed to understand what she was voting on.

Maria Cordero introduced Ms. Sandra Crumpler, who wanted to address the Rules and Regulations issue before the Commission. Ms. Cordero also noted that Ms. Frankel submitted an additional memo on the matter.

Ms. Crumpler, Manager of the Airport's M/W/DBE program, and representing the Airport Commission Director, stated that they didn't have a chance to respond or comment on the amended Rules and Regulations since they just received them yesterday. Ms. Crumpler requested another week for their Department and other departments to review them. Ms. Crumpler commented that the Rules and Regulations look fine, but would still like more time to present feedback.

Commissioner Herman inquired if there was any reason that the Rules and Regulations be passed at this meeting and could the HRC give other Departments more time to review them.

Chair Low noted that the City Attorney's office has already reviewed the amended Rules and Regulations, and Ms. Frankel noted that it is up to the Commissioner, with input from the Director, as to whether or not the Commission chooses to go forward or not.

Chair Low asked Ms. Harmon if she had any additional comments and Ms. Harmon stated that it was up to the Commission to postpone the item, and added that the HRC will continue to operate under the old Rules and Regulations until the new Rules are adopted. Ms. Harmon added that waiting another two weeks to adopt the amended

Rules and Regulations should not be a problem; but stressed that the HRC would like to see the new Rules adopted as soon as possible because the changes are intended to close some of the loopholes and gaps that the current Rules and Regulations have had in the past year and a half.

Commissioner Herman recommended that the HRC give the Departments more time to review the amendments, and that it would be helpful in creating a new image with other Departments.

Commissioner Knutzen requested that the HRC provide the amended Rules and Regulations to the appropriate departments and follow up with a letter stating that the Rules will be on the agenda for the next meeting. She stated that letting people know there is a deadline will bring closure. She added that she thought two weeks is an appropriate amount of time for other Departments to review the amendments.

Ms. Frankel suggested that Commission request that the Departments submit their suggestions and concerns by a particular date so that the City Attorney has the opportunity to review the suggestions and confer with HRC staff.

Commissioner Herman asked if the Departments have the amended Rules and Regulations and Ms. Frankel stated that she believes that all of the major contracting Departments have received them.

Ms. Cordero noted that she sent the amended Rules and Regulations to all of the Departments as well as e-mailed the Rules to the Deputy City Attorney at the Airport.

Ms. Wendy Iwata, representing the San Francisco PUC, stated that she received the Rules and Regulations the day before and her General Manager asked her to review them. She stated that she briefly reviewed the Rules and feels that they are much better. Ms. Iwata noted that there is new language regarding the diversity tracking system and that she would like to ensure that their Department fully understood and complied. Ms. Iwata requested that the Rules and Regulations not be adopted until after the June 6 hearing, where she was hoping there would be additional input.

Chair Low requested that the Rules and Regulation be calendared for the June 22nd meeting to allow the various agencies enough time to review and respond. He felt that a weeks' time might be too ambitious.

Ms. Frankel conveyed that City Attorney Lousie Renee expressed her desire for the Rules and Regulations to be adopted as soon as possible, given everyone's opportunity for input, and requested if it might be possible to consider them at the June 8 meeting.

Chair Low stated that the Rules and Regulations could be put on the agenda for the next meeting, adding that if there are little or few comments, the Commission would go forward and if there are extensive comments, the Commission could postpone adoption until the meeting of the 22nd.

Commissioner Knutzen requested that a summary memo be drawn up by the City Attorney's office if there are controversies to ensure that the Commissioners are as informed as possible when voting on the amendments. She added that it would be helpful to know if the recommendations are from the Departments, what HRC staff recommends, and the City Attorney's legal opinion, if appropriate.

Ms. Frankel agreed and stated that if there are additional changes, she would be happy to provide a memo similar to what she provided today.

Committee Report: Youth & Education Committee

Ms. Delgado reported on the Committee meeting of May 18th. She stated the meeting was a planning meeting to discuss future projects and the direction of the Committee. Ms. Delgado noted that the Committee decided to take the next couple of months to focus membership, recruiting more youth, creating a succinct mission statement, and to look at programs and issues within the HRC's protective classes that the Committee can work on.

Commissioner Herman commended staff and the Director for getting the agenda out early and added that he liked the new format. Chair Low agreed and stated that the Commission appreciated the promptness and format as well.

Adjournment

A motion to adjourn was moved (Dimapilis), seconded (Herman).

The meeting was adjourned at 5:54 p.m.

NEXT MEETING

DATE: Thursday, June 8, 2000

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Interim Director

By: Toni A. Delgado
Commission Secretary